

**LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
AUGUST 14, 2018**

6:00 p.m. Executive Session

- + ES-1. Executive Session to discuss labor negotiations regarding the Maine Association of Police – Patrol Unit.
- + ES-2. Executive Session to discuss Real Estate Negotiations of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

7:00 p.m. Regular Meeting

Pledge of Allegiance to the Flag

Presentation by Chief of Police regarding enhanced policing efforts in Lewiston and by State Police on status of on-going investigation.

Public Comment period – Any member of the public may make comments regarding issues pertaining to Lewiston City Government (maximum time limit is 15 minutes for all comments)

ALL ROLL CALL VOTES FOR THIS MEETING WILL BEGIN WITH THE COUNCILOR OF WARD 7.

CONSENT AGENDA: All items with an asterisk (*) are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

- * 1. Amendment to the Traffic Schedule to create four fifteen (15) minute parking spaces on Pine Street and Horton Street.
- * 2. Order Authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 71 Brooks Avenue.

REGULAR BUSINESS:

- 3. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Androscoggin Bank Colisee, 190 Birch Street.
- 4. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Acme Social Club, Inc., 255 Park Street.
- 5. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Sparetime Recreation, 24 Mollison Way.
- 6. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Carriage House Plus, 1119 Lisbon Street.
- 7. Public Hearing for approval of an Outdoor Entertainment Permit for a musical concert in Kennedy Park on August 19.
- 8. Public Hearing for approval of an Outdoor Entertainment Permit for a musical concert in Kennedy Park on August 31.
- 9. Public Hearing for approval of live music at Dufresne Plaza in conjunction with a theater performance sponsored by the Lewiston Public Library.

10. Public Hearing and Final Passage for an Ordinance, Repealing Chapter 22, Article XVI, of the Code of Ordinances – Recreational Marijuana.
11. Public Hearing and Final Passage for an Ordinance Pertaining to Parking of Commercial Vehicles in a Residential Zone.
12. Order, Authorizing Staff to apply for and accept funds through the 2017 Edward Byrne Memorial Justice Assistance grant.
13. Order, Authorizing Staff to apply for and accept funds through the 2018 Edward Byrne Memorial Justice Assistance grant.
14. Resolve, Accepting Governor’s Deed to the property located at 623 Webster Street.
15. Order, Authorizing the City Administrator to enter into an Option Agreement for the purchase of 55 North Temple Street.
16. Resolve, Approving a two month extension of the Agreement with LWS Development for the Purchase and Sale of Real Estate at 188 Lincoln Street.
17. Reports and Updates.
18. Any other City Business Councilors or others may have relating to Lewiston City Government.
- + 19. Executive Session to discuss Real Estate Negotiations of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.
20. Executive Session pursuant to MRSA Title 1, section 405(6)(A) to discuss a personnel matter.

LEWISTON CITY COUNCIL

MEETING OF AUGUST 14, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. Presentation

SUBJECT:

Presentation by Chief of Police regarding enhanced policing efforts in Lewiston and by State Police on status of on-going investigation.

INFORMATION:

Police Chief Brian O'Malley will provide an overview of the enhanced policing efforts undertaken by his department and in conjunction with other public safety agencies in response to recent incidents in Lewiston. In addition, the Maine State Police will provide an update on their ongoing investigation into the recent fatality near Kennedy Park.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

This is an informational presentation to the Council and no action is necessary.

EA/B/amm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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(NO CITY COUNCIL ACTION IS NEEDED AT THIS TIME)

LEWISTON CITY COUNCIL
MEETING OF AUGUST 14, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. ES-1

SUBJECT:

Executive Session to discuss Real Estate Negotiations of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into an Executive Session, pursuant to MRSA Title 1, section 405(6)(c), to discuss Real Estate Negotiations, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

LEWISTON CITY COUNCIL
MEETING OF AUGUST 14, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO.

ES-2

SUBJECT:

Executive Session to discuss Acquisition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAR/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into an Executive Session, pursuant to MRSA Title 1, section 405(6)(c), to discuss Acquisition of Property, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

LEWISTON CITY COUNCIL
MEETING OF AUGUST 14, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. ES-3

SUBJECT:

Executive Session to discuss Real Estate Negotiations of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EATB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into an Executive Session, pursuant to MRSA Title 1, section 405(6)(c), to discuss Real Estate Negotiations, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

LEWISTON CITY COUNCIL
MEETING OF AUGUST 14, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Amendment to the Traffic Schedule to create four fifteen (15) minute parking spaces on Pine Street and Horton Street.

INFORMATION:

Susan Longchamps, the owner of Webb's Market, a business located on Pine Street, has requested the designation of four on-street, 15 minute parking spaces near their market to better accommodate the customer turnover given the nature of their business. The Police Department supports this requested action.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve amendments to the Traffic Schedule regarding the creation of four fifteen (15) minute parking spaces on Pine Street and Horton Street, as proposed on the attached vote sheet.



POLICE DEPARTMENT

Sgt. Derrick St. Laurent
Administration / Accreditation



Date: August 2, 2018
To: Traffic Schedule Review
From: Sgt. Derrick St. Laurent
Subject: Traffic Schedule Amendment – Webb’s Market, 131 Pine St.

Susan Longchamps, the owner of Webb’s Market, located at 131 Pine St. (Corner of Pine/Horton) is requesting “15 Minute Parking between 9:00am – 9:00pm” be posted in front of the Pine St. side of the store and along the Horton St. side of the store.

Longchamps states that many neighborhood tenants are taking up the spaces in front of her store causing customers to park a distance away, or continue driving to other stores. Longchamps stated this is especially frustrating during the winter months when parking is limited. Longchamps stated she also commonly witnesses illegal activity taking place in the area, and feels monitoring parking may deter some of these activities.

While looking into this complaint, I can confirm that neighboring tenants (along with others) are parking in front of Webb’s Market for extended periods of time, and I am in favor of this amendment.

ADD

Traffic Section 23

Fifteen (15) Minute Parking - 9:00 a.m. to 9:00 p.m

Pine St.	From the end of cross/walk on Pine/Horton St. west 25’ (on Pine) storefront side.
Horton St.	From the end of yellow curbing on Horton/Pine South 25’ (on Horton St.) side of store.

This amendment would designate approximately 4 parking spots around Webb’s Market to “15 Minute Parking 9am – 9pm.”

If this amendment is approved, this would require Public Works Department to erect sign(s) and/or marking(s) designating the above change.

Respectfully Submitted,

Sgt. Derrick St. Laurent
Lewiston Police Department



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www.lewistonpd.org

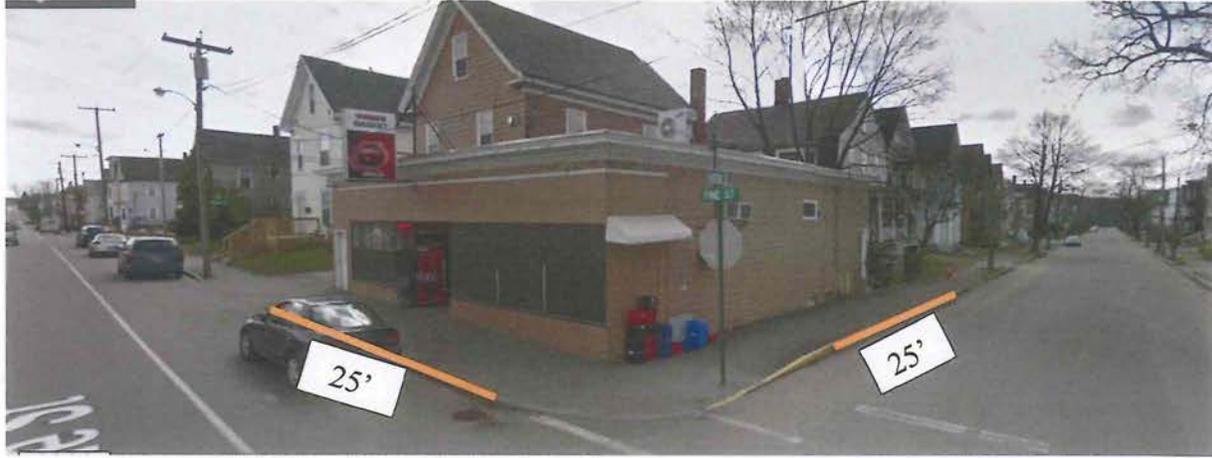


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POLICE DEPARTMENT

Sgt. Derrick St. Laurent
Administration / Accreditation



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LEWISTON CITY COUNCIL

MEETING OF AUGUST 14, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Order Authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 71 Brooks Avenue.

INFORMATION:

One of the most powerful collection tools in a municipality's arsenal is the ability to lien properties for delinquent taxes (real and special only), water and sewer balances, and most recently stormwater balances. Once a lien is recorded, eighteen months must lapse without payment before the lien matures. Prior to maturity, the City Council may waive the right to foreclose on a maturing lien as you have done in the past. If the lien is permitted to mature, the municipality may elect to foreclose on the property or, if subsequent payment is received, return the property to its owner via a quitclaim deed.

At this time, the Finance Director is asking the Council to approve a municipal quitclaim deed for the property located at 71 Brooks Avenue. The quitclaim deed will release any interest the City may have by virtue of undischarged real estate tax liens or utility liens on this property. Payments due for this property have all been received in full. Should the Council approve this Order, the quitclaim will be issued to the owners.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAZ/KMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 71 Brooks Avenue.



COUNCIL ORDER

Order, Authorizing Execution of a Municipal Quitclaim Deed – Real Estate Located at 71 Brooks Avenue.

WHEREAS, the owner, the Estate of Alexander J. Pitarys, failed to pay bills on a timely basis for 71 Brooks Avenue (Tax Map 171, Lot 11, Parcel 00-009284); and

WHEREAS, a tax lien was filed on June 15, 2016 (Book 9387 Page 53) and matured on December 15, 2017 in the amount of \$1,733.65; and

WHEREAS, payment has been received in full;

NOW, THEREFORE, BE IT ORDERED by the CITY COUNCIL of the CITY of LEWISTON,

That a quitclaim deed is hereby authorized to release the City's interest in the property located at 71 Brooks Avenue to the owner.

**LEWISTON CITY COUNCIL
MEETING OF AUGUST 14, 2018**

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Androscoggin Bank Colisee, 190 Birch Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from the Androscoggin Bank Colisee, 190 Birch Street.

The Police Department has reviewed and approved the application.

There was no reference to this business or property address in the Council Constituent Concern log, as maintained by the Administrator's Office.

The business owner has been notified of the public hearing and requested to attend.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to the Androscoggin Bank Colisee, 190 Birch Street.

CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: July 16 / 18

Expiration Date: 7/31/18

- Class A - \$125.00 - restaurants with entertainment, which **does not have dancing**
 Class B - \$125.00 - lounges/bars with entertainment, which **does not have dancing**
 Class C - \$150.00 - either restaurants or lounges/bars with entertainment, including dancing
 Class D - \$150.00 - function halls with entertainment, including dancing
 Class E - \$150.00 - dance hall or nightclub that admits persons under the age of 21
 Class F - \$150.00 - "chem-free" dance hall or nightclub for patrons aged 18 yrs and older, with no liquor

Renewal Applicants: Has any or all ownership changed in the 12 months? Yes No

****PLEASE PRINT****

Business Name: Androsoggin Bank Colive Business Phone: 207 783 2009

Location Address: 190 Birch St. Lewiston

(If new business, what was formerly in this location: _____)

Mailing Address: 190 Birch St. Lewiston ME 04240

Email address: axain@icerinks.com

Contact Person: Michael Cain Phone: 207 783 2009 x209

Owner of Business: James Cain Date of Birth: 01/14/1948

Address of Owner: 493 Webster St.

Manager of Establishment: Michael Cain Date of Birth: 05 03 / 1975

Owner of Premises (landlord): James Cain

Address of Premises Owner: 493 Webster St

Does the issuance of this license directly or indirectly benefit any City employee(s)? Yes No
If yes, list the name(s) of employee(s) and department(s): _____

Have any of the applicants, including the corporation if applicable, ever held a business license with the City of Lewiston? Yes No If yes, please list business name(s) and location(s): _____

Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of the law? ___ Yes X No If yes, please explain: _____

CORPORATION APPLICANTS: Please attach a list of all principal officers, date of birth & town of residence

Corporation Name: Lewiston Urban Civil Center

Corporation Mailing Address: 190 Birch St - Lewiston ME 04240

Contact Person: Fares Lim, Michael Cain Phone: 207 787 2009

Do you permit dancing on premises? X Yes ___ No (If yes, you must first obtain a dance hall permit from the State Fire Marshall's Office) If yes, do you permit dancing or entertainment after 1:00 AM? ___ Yes X No

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? 360'

Please describe the type of proposed entertainment:

- dancing
- stand up comedian
- piano player
- music by DJ
- karaoke
- other, please list _____
- live band/singers
- magician
- other, please list _____

If new applicant, what is your opening date?: _____

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto.

I/We hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We hereby waive any rights to privacy with respect thereto.

Signature: [Signature] Title: GM Date: July 16/18

Printed Name: Michael Cain

Hearing Date: 8-14-18



POLICE DEPARTMENT

Brian T. O'Malley
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. David St.Pierre, Support Services

DT: June 15, 2018

RE: Liquor License/Special Amusement Permit – **Androscoggin Bank Colisee**

We have reviewed Liquor License/Special Amusement Permit Application and have no objections to the following establishment;

Androscoggin Bank Colisee
190 Birch St., Lewiston



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LEWISTON CITY COUNCIL

MEETING OF AUGUST 14, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Acme Social Club, Inc., 255 Park Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from the Acme Social Club, Inc., 255 Park Street.

The Police Department has reviewed and approved the application.

There was no reference to this business or property address in the Council Constituent Concern log, as maintained by the Administrator's Office.

The business owner has been notified of the public hearing and requested to attend.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to the Acme Social Club, Inc., 255 Park Street.

CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 07-13-2018

Expiration Date: 7-3-2019

- Class A - \$125.00 - restaurants with entertainment, which does not have dancing
 Class B - \$125.00 - lounges/bars with entertainment, which does not have dancing
 Class C - \$150.00 - either restaurants or lounges/bars with entertainment, including dancing
 Class D - \$150.00 - function halls with entertainment, including dancing
 Class E - \$150.00 - dance hall or nightclub that admits persons under the age of 21
 Class F - \$150.00 - "chem-free" dance hall or nightclub for patrons aged 18 yrs and older, with no liquor

Renewal Applicants: Has any or all ownership changed in the 12 months? Yes No

****PLEASE PRINT****

Business Name: Acme social club inc. Business Phone: 207-782-9309

Location Address: 255 Park street

(If new business, what was formerly in this location: /)

Mailing Address: 255 Park St.

Email address: /

Contact Person: Marc mason Phone: 207-782-9309

Owner of Business: _____ Date of Birth: _____

Address of Owner: _____

Manager of Establishment: Marc mason Date of Birth: 02-09-51

Owner of Premises (landlord): Marc mason

Address of Premises Owner: 5 Bulter Dr Lewiston Me

Does the issuance of this license directly or indirectly benefit any City employee(s)? Yes No
If yes, list the name(s) of employee(s) and department(s): _____

Have any of the applicants, including the corporation if applicable, ever held a business license with the City of Lewiston? Yes No If yes, please list business name(s) and location(s): _____

Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of the law? ____ Yes No If yes, please explain: _____

CORPORATION APPLICANTS: *Please attach a list of all principal officers, date of birth & town of residence*

Corporation Name: _____

Corporation Mailing Address: _____

Contact Person: _____ Phone: _____

Do you permit dancing on premises? ____ Yes ____ No (If yes, you must first obtain a dance hall permit from the State Fire Marshall's Office) If yes, do you permit dancing or entertainment after 1:00 AM? ____ Yes ____ No

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? 30 ft.

Please describe the type of proposed entertainment:

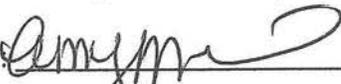
- dancing
- music by DJ
- live band/singers
- stand up comedian
- karaoke
- magician
- piano player
- other, please list _____
- other, please list _____

If new applicant, what is your opening date?: /

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto.

I/We hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We hereby waive any rights to privacy with respect thereto.

Signature:  Title: Treasurer Date 07-13-18

Printed Name: Amy Mason

Hearing Date: 8-14-18



POLICE DEPARTMENT

Brian O'Malley
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. David St.Pierre, Support Services

DT: June 06, 2018

RE: Liquor License/*Special Amusement Permit – **Acme Social Club**

We have reviewed Liquor License/Special Amusement Permit Application and have no objections to the following establishment;

Acme Social Club
255 Park St., Lewiston, Maine



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www.lewistonpd.org



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**LEWISTON CITY COUNCIL
MEETING OF AUGUST 14, 2018**

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Sparetime Recreation, 24 Mollison Way.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from Sparetime Recreation, 24 Mollison Way.

The Police Department has reviewed and approved the application.

There was no reference to this business or property address in the Council Constituent Concern log, as maintained by the Administrator's Office.

The business owner has been notified of the public hearing and requested to attend.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to Sparetime Recreation, 24 Mollison Way.

CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

RECEIVED JUL 30 2018

Date of Application: 7-31-18

Expiration Date: 8-10-2019

- Class A - \$125.00 - restaurants with entertainment, which **does not have dancing**
 Class B - \$125.00 - lounges/bars with entertainment, which **does not have dancing**
 Class C - \$150.00 - either restaurants or lounges/bars with entertainment, including dancing
 Class D - \$150.00 - function halls with entertainment, including dancing
 Class E - \$150.00 - dance hall or nightclub that admits persons under the age of 21
 Class F - \$150.00 - "chem-free" dance hall or nightclub for patrons aged 18 yrs and older, with no liquor

Renewal Applicants: Has any or all ownership changed in the 12 months? Yes No

****PLEASE PRINT****

Business Name: ENDCORE BOWLING, INC - SPARETIME RECREATION Business Phone: 786-2695

Location Address: 24 MOLLISD WAY, LEWISTON, ME 04240

(If new business, what was formerly in this location: _____)

Mailing Address: P.O. BOX 426, HALLOWELL, ME 04347

Email address: ADREW2@SPARETIMERECL.COM

Contact Person: ANDREW W. COULTURE Phone: 242-8161

Owner of Business: ANDREW W. COULTURE Date of Birth: 3/26/48

Address of Owner: P.O. Box 426, HALLOWELL, ME 04347

Manager of Establishment: TOM GIBERTI Date of Birth: 4/26/54

Owner of Premises (landlord): LEWISTON PROPERTIES, LLC

Address of Premises Owner: 76 MERRIMACK STREET, SUITE 19, HAVERHILL, MA 01830

Does the issuance of this license directly or indirectly benefit any City employee(s)? Yes No
If yes, list the name(s) of employee(s) and department(s): _____

Have any of the applicants, including the corporation if applicable, ever held a business license with the City of Lewiston? Yes No If yes, please list business name(s) and location(s): _____

Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of the law? ___ Yes No If yes, please explain: _____

CORPORATION APPLICANTS: Please attach a list of all principal officers, date of birth & town of residence

Corporation Name: ENCORE BOWLING INC.

Corporation Mailing Address: P.O. BOX 426, HALLOWELL, ME 04347

Contact Person: ANDREW W. COLTURE Phone: 2428161

Do you permit dancing on premises? ___ Yes No (If yes, you must first obtain a dance hall permit from the State Fire Marshall's Office) If yes, do you permit dancing or entertainment after 1:00 AM? ___ Yes ___ No

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? 1/2 MILE

Please describe the type of proposed entertainment:

- dancing
- music by DJ
- live band/singers
- stand up comedian
- karaoke
- magician
- piano player
- other, please list _____
- other, please list _____

If new applicant, what is your opening date?: _____

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto.

I/We hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We hereby waive any rights to privacy with respect thereto.

Signature:  Title: OWNER/PRESIDENT Date 07-30-18

Printed Name: ANDREW W. COLTURE

Hearing Date: 8-14-18



POLICE DEPARTMENT

Brian T. O'Malley
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. David St.Pierre, Support Services

DT: June 15, 2018

RE: Liquor License/Special Amusement Permit – **Sparetime Recreation**

We have reviewed Liquor License/Special Amusement Permit Application and have no objections to the following establishment;

Sparetime Recreation
24 Mollison Way, Lewiston



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LEWISTON CITY COUNCIL
MEETING OF AUGUST 14, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Carriage House Plus, 1119 Lisbon Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from the Carriage House Plus, 1119 Lisbon Street.

The Police Department has reviewed and approved the application.

There was no reference to this business or property address in the Council Constituent Concern log, as maintained by the Administrator's Office.

The business owners have been notified of the public hearing and requested to attend.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to the Carriage House Plus, 1119 Lisbon Street.

CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 8-6-18

Expiration Date: 8-31-2019

- Class A - \$125.00 - restaurants with entertainment, which **does not have dancing**
 Class B - \$125.00 - lounges/bars with entertainment, which **does not have dancing**
 Class C - \$150.00 - either restaurants or lounges/bars with entertainment, including dancing
 Class D - \$150.00 - function halls with entertainment, including dancing
 Class E - \$150.00 - dance hall or nightclub that admits persons under the age of 21
 Class F - \$150.00 - "chem-free" dance hall or nightclub for patrons aged 18 yrs and older, with no liquor

Renewal Applicants: Has any or all ownership changed in the 12 months? Yes No

****PLEASE PRINT****

Business Name: CARRIAGE HOUSE PLUS Business Phone: 207-576-8849

Location Address: 1119 LISBON ST

(If new business, what was formerly in this location: _____)

Mailing Address: 1119 LISBON ST. LEWISTON ME 04240

Email address: histylecaterers@LIVE.COM

Contact Person: Donald Rioux Phone: 207-⁵⁷⁶⁻~~5~~8849

Owner of Business: SAME Date of Birth: 8/30/53

Address of Owner: 76 BISHOP Rd, Poland Me 04274

Manager of Establishment: SAME Date of Birth: _____

Owner of Premises (landlord): SAME

Address of Premises Owner: SAME

Does the issuance of this license directly or indirectly benefit any City employee(s)? Yes No
If yes, list the name(s) of employee(s) and department(s): _____

Have any of the applicants, including the corporation if applicable, ever held a business license with the City of Lewiston? Yes No If yes, please list business name(s) and location(s): _____

CARRIAGE HOUSE PLUS LISBON ST

Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of the law? ___ Yes No If yes, please explain: _____

CORPORATION APPLICANTS: Please attach a list of all principal officers, date of birth & town of residence

Corporation Name: H1 Style Caterers

Corporation Mailing Address: 1119 LISBON ST. LEW.

Contact Person: Donald Rioux Phone: 207-576-8846

Do you permit dancing on premises? Yes ___ No (If yes, you must first obtain a dance hall permit from the State Fire Marshall's Office) If yes, do you permit dancing or entertainment after 1:00 AM? ___ Yes No

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? 100 yds

Please describe the type of proposed entertainment:

- dancing
- music by DJ
- live band/singers
- stand up comedian
- karaoke
- magician
- piano player
- other, please list _____
- other, please list _____

If new applicant, what is your opening date?: _____

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) / any rights to privacy with respect thereto.

I/We hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We hereby waive any rights to privacy with respect thereto.

Signature: Donald R. Rioux Title: President Date: 8/2/18

Printed Name: Donald R. Rioux

Hearing Date: 8-14-18



POLICE DEPARTMENT

Brian T. O'Malley
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. David St.Pierre, Support Services

DT: June 15, 2018

RE: Liquor License/Special Amusement Permit – **Carriage House Plus**

We have reviewed Liquor License/Special Amusement Permit Application and have no objections to the following establishment;

Carriage House Plus
1119 Lisbon St., Lewiston



171 Park St • Lewiston, Maine • 04240 • Phone 207-513-3137 • Fax 207-795-9007
www.lewistonpd.org



Professionalism

Integrity

Compassion

Dedication

Pride

Dependability

LEWISTON CITY COUNCIL

MEETING OF AUGUST 14, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 7

SUBJECT:

Public Hearing for approval of an Outdoor Entertainment Permit for a musical concert in Kennedy Park on August 19.

INFORMATION:

Maine Community Integration is sponsoring a free music concert on Sunday, August 19 in Kennedy Park. This is being held in conjunction with their International Youth Day Celebration event. Since they will be having live music, they are required by the Code of Ordinances to obtain an Outdoor Entertainment permit from the City Council. Staff has reviewed their application and has no concerns with this event. Approval is recommended.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To conduct a public hearing on an application for an outdoor entertainment event in Kennedy Park, and to grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, for an outdoor music concert to be held at Kennedy Park on Sunday, August 19, contingent upon positive recommendations from the Police Department, Fire Department, Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City ordinances.



2018 Event Application for events from 7/1/18 to 6/30/19

Event (25+ participants) First-Time Event Repeat Event
 Special Event (over 1,000 expected) (requires City Council approval)
 Park Use Only Gazebo Use Amphitheater Use

\$50 PROCESSING FEE DUE AT THE TIME APPLICATION IS SUBMITTED. Thank you

EVENT NAME: "International Youth Day Celebration" EVENT LOCATION: Kennedy Park

REQUESTED DATE: 8/12/18 RAIN DATE (if applicable): N/A Application Date: 7/30/18
 → 8-19-18

RECURRING DATES: N/A N/A NON-PROFIT: FOR-PROFIT:

TYPE OF EVENT (indicate all that apply) ESTIMATED ATTENDANCE: 50

Walk/Run Festival Concert Road Race Parade Carnival Fireworks
 Picnic/BBQ Arts Live Performance Wedding Ceremony Wedding Reception

Other (please specify): Speaking Engagement Open to Public Invitation Only Age Restricted N/A

ACTUAL HOURS OF EVENT: 11a to 3p SET-UP TIME: 10a TAKE-DOWN TIME: 4p

NAME OF ORGANIZATION: Maine Community Integration APPLICANT NAME: Fawsia Musse & Meliora Dunn

ORGANIZATION ADDRESS: 265 Lisbon St. CITY: Lewista STATE: ME

DAYTIME PHONE: 777-4765 CELL: 402-0671 EM: 576-6329

ON-SITE MANAGER (Day of Event): Fawsia Musse CELL/PAGER: 576-6329
Melissa Dunn 402-0671

STAFF USE ONLY Event Number: FY190038

At-A-Glance

Outdoor Entertainment CC Date: / /

Sound Amplification Vendors

Food Service License Outside Alcohol

Carnival Permit Police Assistance

Electrical Access Fire Inspection

Road Closure Group Notification

Business Contact Plan Advertising Req.

Cash Donation or In-kind Services Req.

STAFF USE ONLY Final Approval:

Administration

CITY CLERKS | Kelly Brooks

FIRE | Paul Ouellette

POLICE | Derrick St. Laurent

PUBLIC WORKS | Megan Bates

SANITARIAN-CODE | Sue Reny

CK CC CA

Processing Fee: Park Fee: N/A COI: rcvd - attached

Clerk's Fees: Map(s) Received:

NP: 501(C)3 IRS Letter Form 990

Event Details

EVENT LOCATION (specific street/sidewalks) Kennedy Park # of days 1
Gazebo Location

Events in our Park (Please select one)

PARK MAP REQUIRED (see page 5)

Non-profit (NP) Discounts (if applicable)

Lewiston-based NP 80%

Out-of-Town NP/Fundraiser 50%

Out-of-Town NP 34%

PARK FEE(S)

Simard-Payne Park | \$135 day Dufresne Plaza | \$265 day Amphitheater Only | \$25 hr.
Amount \$ (other fees may apply)

NO FEES ASSESSED

Kennedy Park Gazebo Marcotte Park Pettingill School Park Potvin Park
Raymond Park Sunnyside Park Veterans Park (Are you a veteran? Yes No)

City Clerk's Office (Please check all that apply)

Sound Amplification Needed? Yes No Please describe PA system
SOUND AMPLIFICATION PERMIT may be required \$17 per day Amount \$

Live Performance? Yes No Please describe Music/Live Singer/Drum
OUTDOOR ENTERTAINMENT PERMIT City Council approval is required \$50 Amount \$

Food? Yes No Sold Given Away Type Sambusa & Water Food Truck
Food Truck Name N/A BBQ (review rules & regs see page 4) Fire
FOOD SERVICE LICENSE may be required \$50 up to 3 days Amount \$
sanitarian/code inspection may apply

Beverages? Yes No Sold Given Away Type Water
Alcohol (restrictions apply) Name of Licensed Business N/A
FOOD SERVICE LICENSE may be required \$50 up to 3 days Amount \$
OUTDOOR ALCOHOL PERMIT REQUIRED \$25 per event & other fees may apply Amount \$

Product? Yes No Sold Given Away Type N/A
PEDDLERS/FLEA MARKET PERMIT may apply \$34 per day for 1-75 spaces & \$61 per day for 76+ spaces
Amount \$

Carnival? Yes No Rides Offered Details N/A
STATE PERMIT REQUIRED Has it been obtained? Yes No
CARNIVAL PERMIT REQUIRED \$180 Amount \$

Total Due Admin:

Total Due City Clerks:

LEWISTON CITY COUNCIL

MEETING OF AUGUST 14, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 8

SUBJECT:

Public Hearing for approval of an Outdoor Entertainment Permit for a musical concert in Kennedy Park on August 31.

INFORMATION:

The City is sponsoring a free music concert on Friday, August 31 in Kennedy Park. This is being held in conjunction with the Join Us On Your Lunch Hour event. Since there will be live music, the Code of Ordinances requires an Outdoor Entertainment permit from the City Council. Staff has reviewed the application and has no concerns with this event. Approval is recommended.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

ERB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To conduct a public hearing on an application for an outdoor entertainment event in Kennedy Park, and to grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, for an outdoor music concert to be held at Kennedy Park on Friday, August 31, contingent upon positive recommendations from the Police Department, Fire Department, Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City ordinances.



2018 Event Application for events from 7/1/18 to 6/30/19

Event (25+ participants) First-Time Event Repeat Event
 Special Event (over 1,000 expected) (requires City Council approval)
 Park Use Only Gazebo Use Amphitheater Use

\$50 PROCESSING FEE DUE AT THE TIME APPLICATION IS SUBMITTED. Thank you!

EVENT NAME: Join Us On Your Lunch Hour at Kennedy Park EVENT LOCATION: Kennedy Park
 REQUESTED DATE: 8-31 RAIN DATE (if applicable): _____ Application Date: 9/31/18

RECURRING DATES: 9/28; 10/26 NON-PROFIT: FOR-PROFIT:

TYPE OF EVENT (indicate all that apply) ESTIMATED ATTENDANCE: 100

Walk/Run Festival Concert Road Race Parade Carnival Fireworks
 Picnic/BBQ Arts Live Performance Wedding Ceremony Wedding Reception

Other (please specify): _____ Open to Public Invitation Only Age Restricted

ACTUAL HOURS OF EVENT: 11:30 to 1:00 SET-UP TIME: 11:00 TAKE-DOWN TIME: 1:15

NAME OF ORGANIZATION: City of Lewiston APPLICANT NAME: Gollie Pasham-Whitney

ORGANIZATION ADDRESS: 57 Pine Street CITY: Lewiston STATE: ME

DAYTIME PHONE: 513-3018 CELL: 576-7951 EM: _____

ON-SITE MANAGER (Day of Event): Gollie Pasham-Whitney CELL/PAGER: 576-7951

STAFF USE ONLY Event Number: _____

KP - City-sponsored
At-A-Glance

Outdoor Entertainment CC Date: / /
 Sound Amplification Food Truck Vendors
 Food Service License Outside Alcohol
 Carnival Permit Police Assistance Security
 Electrical Access Fire Inspection
 Road Closure Group Notification
 Business Contact Plan Advertising Req.
 Cash Donation or In-kind Services Req.

STAFF USE ONLY Final Approval: _____

Administration

CITY CLERKS | Kelly Brooks _____
 FIRE | Paul Ouellette _____
 POLICE | Derrick St. Laurent _____
 PUBLIC WORKS | Megan Bates _____
 SANITARIAN-CODE | Sue Reny _____
 CK _____ CC _____ CA _____
 Processing Fee: _____ Park Fee: _____ COI: _____
 Clerk's Fees: _____ Map(s) Received: _____
 NP: 501(C)3 _____ IRS Letter _____ Form 990 _____

Event Details

EVENT LOCATION (specific street/sidewalks): Kennedy Park # of days 1

Events in our Park (Please select one)

PARK MAP REQUIRED (see page 5)

Non-profit (NP) Discounts (if applicable)

Lewiston-based NP 80%

Out-of-Town NP/Fundraiser 50%

Out-of-Town NP 34%

PARK FEE(S)

Simard-Payne Park | \$135 day Dufresne Plaza | \$265 day Amphitheater Only | \$25 hr.
Amount \$ (other fees may apply)

NO FEES ASSESSED

Kennedy Park Gazebo Marcotte Park Pettingill School Park Potvin Park
Raymond Park Sunnyside Park Veterans Park (Are you a veteran? Yes No)

City Clerk's Office (Please check all that apply)

Sound Amplification Needed? Yes No Please describe The Mont Sweagers, IRISH CELTIC
SOUND AMPLIFICATION PERMIT may be required \$17 per day Amount \$

Live Performance? Yes No Please describe Same Band
OUTDOOR ENTERTAINMENT PERMIT City Council approval is required \$50 Amount \$

Food? Yes No Sold Given Away Type Food Truck

* Food Truck Name Pinky D's BBQ (review rules & regs see page 4|Fire)

FOOD SERVICE LICENSE may be required \$50 up to 3 days Amount \$
sanitarian/code inspection may apply

Beverages? Yes No Sold Given Away Type from Pinky D's
Alcohol (restrictions apply) Name of Licensed Business

FOOD SERVICE LICENSE may be required \$50 up to 3 days Amount \$
OUTDOOR ALCOHOL PERMIT REQUIRED \$25 per event & other fees may apply Amount \$

Product? Yes No Sold Given Away Type

PEDDLERS/FLEA MARKET PERMIT may apply \$34 per day for 1-75 spaces & \$61 per day for 76+ spaces
Amount \$

Carnival? Yes No Rides Offered Details

STATE PERMIT REQUIRED Has it been obtained? Yes No

CARNIVAL PERMIT REQUIRED \$180 Amount \$

Total Due Admin:

Total Due City Clerks:

maybe others as well

LEWISTON CITY COUNCIL

MEETING OF AUGUST 14, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 9

SUBJECT:

Public Hearing for approval of live music at Dufresne Plaza in conjunction with a theater performance sponsored by the Lewiston Public Library.

INFORMATION:

The Lewiston Public Library has submitted an application requesting permission to offer live music on City property in conjunction with a theater performance. The event will be held at Dufresne (Courthouse) Plaza on August 22, 23, 24, 25 and 26. Per the City Code, an outdoor entertainment event cannot be held on city property without approval by a majority of the Council after a public hearing. Staff recommendations are being sought from the Police Department, Fire Department, Code Enforcement/Health Officer and the Land Use Code Officer for compliance.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To conduct a public hearing on an application from the Lewiston Public Library for live music to be held at Dufresne Plaza on August 22-26, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Library for the outdoor event, contingent upon positive recommendations from the Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances.

✓ on cal

2-sided



2018 Event Application for events from 7/1/18 to 6/30/19

Event (25+ participants) First-Time Event Repeat Event
 Special Event (over 1,000 expected) (requires City Council approval)
 Park Use Only Gazebo Use Amphitheater Use

\$50 PROCESSING FEE DUE AT THE TIME APPLICATION IS SUBMITTED. Thank you

EVENT NAME: Shakespeare in the Park "Much Ado About Nothing" EVENT LOCATION: Dufresne Plaza

REQUESTED DATE: 8/22/18 RAIN DATE (if applicable): _____ Application Date: _____

RECURRING DATES: 8/23/18 8/24/18 8/25/18 8/26/18

TYPE OF EVENT (indicate all that apply) ESTIMATED ATTENDANCE: 50

Walk/Run Festival Concert Road Race Parade Carnival Fireworks
 Picnic/BBQ Arts Live Performance Wedding Ceremony Wedding Reception

Other (please specify): _____ Open to Public Invitation Only Age Restricted

ACTUAL HOURS OF EVENT: 6:00pm to 8:30pm SET-UP TIME: 1 hour (5pm) TAKE-DOWN TIME: 30 mins (9:00pm)

NAME OF ORGANIZATION: Lewiston Public Library APPLICANT NAME: Glynnis Nadel

ORGANIZATION ADDRESS: 200 Lisbon St. CITY: Lewiston STATE: ME

NON-PROFIT: _____ FOR-PROFIT: _____ DAYTIME PHONE: _____ CELL: (859)351-2806

ON-SITE MANAGER (Day of Event): ___TBD___ CELL/PAGER: _____

STAFF USE ONLY Event Number: _____

Road Closure Group Notification
 Business Contact Plan Advertising Req.

At-A-Glance *City Sponsored*

Outdoor Entertainment CC Date: *Park-use*

Sound Amplification _____ Vendors _____

Food Service License _____ Outside Alcohol _____

Carnival Permit _____ Police Assistance _____

Electrical Access _____ Fire Inspection _____

Cash Donation or In-kind Services Req. _____

STAFF USE ONLY Final Approval:

Administration

CITY CLERKS | Kelly Brooks _____

FIRE | Paul Ouellette _____

POLICE | Derrick St. Laurent _____

PUBLIC WORKS | Megan Bates _____

Fire Department

(certificates, permits & facility inspections)

Paul Ouellette, Fire Inspector

513 -0000, x3605 pouellette@lewistonmaine.gov

Derrick St. Laurent, Administrative Sergeant

513-3000 x3303 dstlaurent@lewistonmaine.gov

Police Department

(traffic control & security)

Event Details

EVENT LOCATION (specific street/sidewalks): Dufresne Plaza

of days 5

Non-profit (NP) Discounts (if applicable)

Events in our Park (Please select one)

PARK MAP REQUIRED (see page 5)

Lewiston-based NP, 80%

Out-of-Town NP/Fundraiser, 50%

Out-of-Town NP, 34%

PARK FEE(S)

Simard-Payne Park | \$135 day Dufresne Plaza | \$265 day X Amphitheater Only | \$25 hr.

Amount \$ _____

*Waived
City-Sponsored*

(other fees may apply)

NO FEES ASSESSED

Kennedy Park Gazebo Marcotte Park Pettingill School Park Potvin Park

Raymond Park Sunnyside Park Veterans Park (Are you a veteran? Yes No)

City Clerk's Office (Please check all that apply)

Sound Amplification Needed? Yes No X Please describe _____

SOUND AMPLIFICATION PERMIT may be required \$17 per day Amount \$ _____

Live Performance? Yes X No Please describe A Theatrical Performance of Shakespeare's "Much Ado About Nothing"

OUTDOOR ENTERTAINMENT PERMIT City Council approval is required \$50 Amount \$ _____

Food? Yes No Sold Given Away Type _____ **Food Truck**

Food Truck Name _____ **BBQ** (review rules & regs see page 4|Fire)

FOOD SERVICE LICENSE may be required \$50 up to 3 days Amount \$ _____

sanitarian/code inspection may apply

Beverages? Yes No X Sold Given Away Type _____

Alcohol (restrictions apply) **Name of Licensed Business** _____

LEWISTON CITY COUNCIL

MEETING OF AUGUST 14, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 10

SUBJECT: Ordinance, Repealing Chapter 22, Article XVI, of the Code of Ordinances – Recreational Marijuana.

INFORMATION: Shortly after the voters approved recreational marijuana in November 2017, the City amended its Code of Ordinances to prohibit recreational marijuana establishments in Lewiston until such time as the State adopted final rules for licensing, regulating, and controlling such facilities. The referendum language adopted in 2017 was recently amended by the legislature and will go into effect later this year. One of the significant changes made was to add a provision to the law that would require any municipality wishing to allow recreational marijuana sales and facilities to explicitly act to authorize such activities within its borders – in effect, to “opt in.” The initial referendum would have, alternatively, allowed municipalities to act affirmatively to prohibit marijuana sales – to “opt out.”

The City’s current ordinance was adopted to allow the City time, after the State promulgated its rules and regulations, to either impose a local moratorium or develop our own regulations and licensing or decide to disallow recreational sales and facilities in Lewiston. Given that state law will now require affirmative action by the Council to allow recreational sale and facilities, the January 2017 ordinance is no longer required and should be repealed.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



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That the proposed Ordinance Repealing Chapter 22, Article XVI, of the Code of Ordinances – Recreational Marijuana – receive final passage by a roll call vote.



COUNCIL RESOLVE

Ordinance, Deleting Chapter 22, Article XVI, of the Code of Ordinances – Recreational Marijuana.

Now, therefore, the City of Lewiston hereby ordains that

Chapter 22, Article XVI of the Code of Ordinances is hereby deleted in its entirety, as follows:

~~ARTICLE XVI, RECREATIONAL MARIJUANA~~

~~Sec. 22-440. Purpose~~

~~The purpose of this chapter is to prohibit granting any City license, permit, or certificate of occupancy to any retail marijuana facility or retail marijuana social club prior to the Maine State Licensing authority adopting final rules for the proper licensing, regulation and control of such facilities pursuant to 7 MRSA c. 417.~~

~~Section 22-441. Definitions~~

~~For purposes of this article, the following definitions shall apply:~~

~~**Cannabis.** "Cannabis" means all parts of the plant of the genus Cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin including cannabis concentrate. "Cannabis" does not include industrial hemp, fiber produced from the stalks, oil, cake made from the seeds of the plant, sterilized seed of the plant that is incapable of germination or any ingredient combined with cannabis to prepare topical or oral administrations, food, drink or any other product. "Cannabis" also means marijuana.~~

~~**Marijuana.** "Marijuana" means cannabis.~~

~~**Retail marijuana.** "Retail marijuana" means cannabis that is cultivated, manufactured, distributed or sold by a licensed retail marijuana establishment or retail marijuana social club.~~

~~**Retail marijuana cultivation facility.** "Retail marijuana cultivation facility" means an entity licensed to cultivate, prepare and package retail marijuana and sell retail marijuana to retail marijuana establishments and retail marijuana social clubs.~~

~~**Retail marijuana establishment.** "Retail marijuana establishment" means a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturing facility or a retail marijuana testing facility.~~

~~**Retail marijuana product.** "Retail marijuana product" means concentrated retail marijuana and retail marijuana products that are composed of retail marijuana and other ingredients and are intended for use or consumption, including, but not limited to, edible products, ointments and tinctures.~~

~~**Retail marijuana products manufacturing facility.** "Retail marijuana products manufacturing facility" means an entity licensed to purchase retail marijuana; manufacture, prepare and package retail marijuana products; and sell retail marijuana and retail marijuana products only to other retail marijuana products manufacturing facilities, retail marijuana stores and retail marijuana social clubs.~~

~~**Retail marijuana social club.** "Retail marijuana social club" means an entity licensed to sell retail marijuana and retail marijuana products to consumers for consumption on the licensed premises.~~

~~**Retail marijuana store.** "Retail marijuana store" means an entity licensed to purchase retail marijuana from a retail marijuana cultivation facility and to purchase retail marijuana products from a retail marijuana products manufacturing facility and to sell retail marijuana and retail marijuana products to consumers.~~

~~**Retail marijuana testing facility.** "Retail marijuana testing facility" means an entity licensed and certified to analyze and certify the safety and potency of retail marijuana and retail marijuana products.~~

Section 22-442. Prohibition

~~No retail marijuana establishment or retail marijuana social club may be established in the City of Lewiston until such time as the Maine state licensing authority, as defined in 7 MRSA c. 417, has adopted final rules for the proper licensing, regulation and control of the cultivation, manufacture, distribution, sale, and testing of retail marijuana and retail marijuana products.~~

LEWISTON CITY COUNCIL

MEETING OF AUGUST 14, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 11

SUBJECT: An Ordinance Pertaining to Parking of Commercial Vehicles in a Residential Zone.

INFORMATION:

Our Code currently limits parking commercial vehicles in residential zones to one small, single axle utility type van or pick-up truck. Commercial trailers are not currently allowed. Staff received a request to consider allowing certain commercial trails to be parked in residential zones given the number of individuals, such as tradesmen, who operate a business out of their residence and recognizing that many individual homeowners have such trailers for purposes like snowmobile transport.

The proposed amendment, which received first passage by the City Council, would allow one such commercial enclosed trailer no longer than eighteen feet in length to be parked/stored on a residential property. This would allow a modest increase in the type of commercial parking allowed in a residential zone while limiting the size of such trailers and their visual impact by requiring the trailer to be enclosed.

The Planning Board has recommended alternative language for the amendment. This is outlined in the attached memorandum from City Planner Doug Greene. Please note that five votes would be required to adopt the initial version of the ordinance that has received first reading. Should the Council wish to adopt the proposal from the Planning Board, to be safe the City Administrator recommends that the ordinance be amended and approved for first reading and come back to the Council for a new public hearing and final approval.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmn

1	2	3	4	5	6	7	M
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- 1) To conduct a public hearing on the various Code amendment options presented.
- 2) To review the recommendation from the Planning Board regarding this amendment proposal and then to determine a course of action.

If the Council would like to approve the amendment as originally presented, the motion would be: To approve final reading of an Ordinance Pertaining to Parking of Commercial Vehicles in a Residential Zone. (This would require a minimum of 5 votes.)

If the Council would like to approve the amendments proposed by the Planning Board, the motion would be: To incorporate the recommendations from the Planning Board into the proposed amendment and to approve first reading of an Ordinance Pertaining to Parking of Commercial Vehicles in a Residential Zone. (This would require a minimum of 4 votes.)



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Mayor and City Council
FROM: Douglas Greene, AICP, RLA; City Planner
DATE: August 14, 2018
RE: Planning Board Recommendations: Text Amendment for Commercial Parking in a Residential Zone (Article V. Administration and Enforcement, Section 3, General Provisions (o))

Background:

A proposed text amendment to a provision in the zoning ordinance regarding the parking of commercial vehicles in a residential zone was discussed with the City Council at the June 5th workshop and then voted upon at a July 10th first reading. The text amendment would allow the parking of enclosed commercial trailers, no larger than eighteen (18) feet in total length in residential zones. This text amendment was presented to the Planning Board at their July 23, 2018 meeting.

The Planning Board discussed the proposed text amendment and a majority felt the proposal was too restrictive in two ways: 1) requiring the trailers to be enclosed (i.e. no open sided/uncovered trailers), and 2) the total trailer length being limited to eighteen (18) feet total length was too short.

The following motion was then made:

MOTION: by **Lucy Bisson** pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation to the City Council to amend Article V. Administration and Enforcement, Section 3, General Provisions (o), to allow an enclosed commercial trailer with a maximum length of 18 feet in a residential zone. Second by **Pauline Gudas**.

VOTED: 0-7 (Failed).

The Planning Board then amended the original text amendment to remove the requirement for the commercial trailer to be enclosed and to allow the total length to be up to a maximum of twenty-two (22) feet.

The following motion was made:

MOTION: by **Benjamin Martin** pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation to the City Council to amend Article V. Administration and Enforcement, Section 3, General Provisions (o), to allow a utility trailer not to exceed 22' in a residential zone. Second by **Pauline Gudas**.

VOTED: 6-1 (Passed. Normand Anctil Opposed).

NOTE: As a result of the revisions to the text amendment by the Planning Board, Staff is presenting the text amendment in your packet as two separate options to consider. Option 1 is the text amendment as originally forwarded by the City Council to the Planning Board. Option 2 is the text amendment as recommend by the Planning Board.

OPTION 1

08.14.2018

AN ORDINANCE PERTAINING TO PARKING OF COMMERCIAL VEHICLES IN A RESIDENTIAL ZONE

THE CITY OF LEWISTON HEREBY ORDAINS:

Appendix A of the Code of Ordinances of the City of Lewiston, Maine, is hereby amended as follows:

APPENDIX A ZONING AND LAND USE CODE ARTICLE V. ADMINISTRATION AND ENFORCEMENT

Sec. 3. General Provisions

(o) No lot in any residential zoning district may contain any vehicle utilized for commerce which is parked thereon when not in use except for one passenger-type van, small utility van or pickup truck, and an enclosed trailer not to exceed eighteen (18) feet in total length (but not including tow trucks or ambulances).

REASONS FOR THE PROPOSED AMENDMENT

The Lewiston Zoning and Land Use currently limit the parking of commercial vehicles in residential zones to **one** passenger and utility type van or pick-up truck. The current regulation reads as follows:

Article V. Administration and Enforcement, Section 3 General Provision- (Commercial parking in a residential zone)

*(o) No lot in any residential zoning district may contain any vehicle utilized for commerce which is parked thereon when not in use **except for one passenger-type van, small utility van or pickup truck** (but not including tow trucks or ambulances).*

A text amendment has been prepared that would expand this provision in the zoning ordinance to allow the parking of enclosed commercial trailers in residential zones. The expansion of this use is reasonable given the common use of enclosed trailers for snowmobiles, construction and other trailer types frequently used by property owners. The amendment requires commercial trailers to be enclosed in order to limit visual clutter; and to limit the size of the trailers to no longer than eighteen (18) feet in total length in order to keep the scale reasonable and be in line with the standard length of a parking space, which is eighteen feet long.

CONFORMANCE WITH 2017 COMPREHENSIVE PLAN

This proposed text amendment is in conformance with the 2017 Legacy Lewiston's Comprehensive Plan;

1. "Prioritize Economic Vitality"-This section recommends Lewiston "Strive to Become Self-Sufficient" in response to "Market Shifts". "Local support systems may mean the difference between professional survival and bankruptcy" (pg. 167). Allowing one enclosed commercial trailer, eighteen (18) foot in total length, in a residential district will help small business owners be more efficient by keeping their work materials at the same location as their commercial vehicle.
2. The section on "Regulatory Barriers" states, "The City's existing zoning does not encourage the range of housing, recreation, retail and civic opportunities sought by residents. In addition, the City's economic development is hindered by zoning categories which are out of synch with market needs." (pg. 226)

OPTION 2

08.14.2018

**AN ORDINANCE PERTAINING TO PARKING OF COMMERCIAL VEHICLES IN A
RESIDENTIAL ZONE**

THE CITY OF LEWISTON HEREBY ORDAINS:

**Appendix A of the Code of Ordinances of the City of Lewiston, Maine, is hereby amended
as follows:**

**APPENDIX A
ZONING AND LAND USE CODE
ARTICLE V. ADMINISTRATION AND ENFORCEMENT**

Sec. 3. General Provisions

(o) No lot in any residential zoning district may contain any vehicle utilized for commerce which is parked thereon when not in use except for one passenger-type van, small utility van or pickup truck, and a utility trailer not to exceed twenty-two (22) feet in total length (but not including tow trucks or ambulances).

REASONS FOR THE PROPOSED AMENDMENT

The Lewiston Zoning and Land Use currently limit the parking of commercial vehicles in residential zones to **one**, passenger and utility type van or pick-up truck. The current regulation reads as follows:

Article V. Administration and Enforcement, Section 3 General Provision- (Commercial parking in a residential zone)

(o) No lot in any residential zoning district may contain any vehicle utilized for commerce which is parked thereon when not in use except for one passenger-type van, small utility van or pickup truck (but not including tow trucks or ambulances).

This text amendment (Option 2) would expand this current provision in the zoning ordinance and allow the parking of commercial trailers in residential zones up to a total length of twenty-two (22) feet. The expansion of this use will allow for the common use of trailers for snowmobiles, construction and other trailer types frequently used by property owners, which is currently allowed. The amendment will allow commercial trailers (covered or uncovered) in addition to the currently allowed small commercial trucks and vehicles and to limit the size of the trailers to no longer than twenty-two (22) feet in total length.

CONFORMANCE WITH 2017 COMPREHENSIVE PLAN

This proposed text amendment (Option 2) is in conformance with the 2017 Legacy Lewiston's Comprehensive Plan;

1. "Prioritize Economic Vitality"-This section recommends Lewiston "Strive to Become Self-Sufficient" in response to "Market Shifts". "Local support systems may mean the difference between professional survival and bankruptcy" (pg. 167). Allowing one enclosed commercial trailer, eighteen (18) foot in total length, in a residential district will help small business owners be more efficient by keeping their work materials at the same location as their commercial vehicle.
2. The section on "Regulatory Barriers" states, "The City's existing zoning does not encourage the range of housing, recreation, retail and civic opportunities sought by residents. In addition, the City's economic development is hindered by zoning categories which are out of synch with market needs." (pg. 226)



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Mayor and Members of the City Council

FROM: Douglas Greene, AICP, RLA; City Planner/Deputy Director

DATE: July 10, 2018

RE: A Text Amendment to Allow Parking a Commercial Trailer in a Residential Zone

The Lewiston Zoning and Land Use Code currently limits the parking of commercial vehicles in residential zones to one small single axle, passenger and utility type van or pick-up truck and reads as follows:

Article V. Administration and Enforcement, Section 3 General Provision- (Commercial parking in a residential zone)

(o) No lot in any residential zoning district may contain any vehicle utilized for commerce which is parked thereon when not in use except for one passenger-type van, small utility van or pickup truck (but not including tow trucks or ambulances).

Staff has been asked to consider and prepare a possible text amendment to expand this provision in the zoning ordinance to allow the parking of enclosed trailers in residential zones. To the Staff, the expansion of this use seems reasonable given the common use of enclosed snowmobile, construction, and other trailer types frequently seen by property owners. The Staff proposes to allow enclosed trailers in order to limit visual clutter and to limit the size to no longer than eighteen (18) feet in length in order to keep the scale reasonable.

The proposed text amendment would read:

(o) No lot in any residential zoning district may contain any vehicle utilized for commerce which is parked thereon when not in use except for one passenger-type van, small utility van or pickup truck, and an enclosed trailer not to exceed eighteen (18) feet in total length (but not including tow trucks or ambulances).

STAFF RECOMMENDATION:

The Staff recommends Approval of the text amendment as the request is reasonable and would allow parking one commercial enclosed trailer no longer than eighteen (18) feet in total length in a residential zone for the following reasons:

- It would allow a modest increase in the type of commercial parking allowed in a residential zone
- It would limit the trailer size to no longer than eighteen (18) feet in total length
- It would minimize the visual impact on surrounding properties by requiring the trailer to be enclosed

AN ORDINANCE PERTAINING TO PARKING OF COMMERCIAL VEHICLES IN A RESIDENTIAL ZONE

THE CITY OF LEWISTON HEREBY ORDAINS:

Appendix A of the Code of Ordinances of the City of Lewiston, Maine, is hereby amended as follows:

**APPENDIX A
ZONING AND LAND USE CODE
ARTICLE V. ADMINISTRATION AND ENFORCEMENT**

Sec. 3. General Provisions

(o) No lot in any residential zoning district may contain any vehicle utilized for commerce which is parked thereon when not in use except for one passenger-type van, small utility van or pickup truck, and an enclosed trailer not to exceed eighteen (18) feet in total length (but not including tow trucks or ambulances).

REASONS FOR THE PROPOSED AMENDMENT

The Lewiston Zoning and Land Use currently limit the parking of commercial vehicles in residential zones to **one** small single axle, passenger and utility type van or pick-up truck. The current regulation reads as follows:

Article V. Administration and Enforcement, Section 3 General Provision- (Commercial parking in a residential zone)

(o) No lot in any residential zoning district may contain any vehicle utilized for commerce which is parked thereon when not in use except for one passenger-type van, small utility van or pickup truck (but not including tow trucks or ambulances).

A text amendment has been prepared that would expand this provision in the zoning ordinance to allow the parking of enclosed commercial trailers in residential zones. To the Staff, the expansion of this use seems reasonable given the common use of enclosed trailers for snowmobiles, construction and other trailer types frequently used by property owners. The Staff has proposed requiring commercial trailers to be enclosed in order to limit visual clutter and to limit the size of the trailers to no longer than eighteen (18) feet in total length in order to keep the scale reasonable and be in line with the standard length of a parking space, which is eighteen feet long.

CONFORMANCE WITH 2017 COMPREHENSIVE PLAN

This proposed text amendment is in conformance with the 2017 Legacy Lewiston's Comprehensive Plan;

1. "Prioritize Economic Vitality"-This section recommends Lewiston "Strive to Become Self-Sufficient" in response to "Market Shifts". "Local support systems may mean the difference between professional survival and bankruptcy" (pg. 167). Allowing one enclosed commercial trailer, eighteen (18) foot in total length, in a residential district will help small business owners be more efficient by keeping their work materials at the same location as their commercial vehicle.
2. The section on "Regulatory Barriers" states, "The City's existing zoning does not encourage the range of housing, recreation, retail and civic opportunities sought by residents. In addition, the City's economic development is hindered by zoning categories which are out of synch with market needs." (pg. 226)

LEWISTON CITY COUNCIL

MEETING OF AUGUST 14, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 12

SUBJECT: Order, Authorizing Staff to Apply for and Accept Funds Through the 2017 Edward Byrne Memorial Justice Assistance Grant.

INFORMATION:

The City of Lewiston is annually eligible for funding through the Edward Byrne Memorial Justice Assistance Grant program. This year's allocation is \$28,312 and the Police Department is proposing to use these funds for a variety of purposes including training and equipment as detailed on the attached budget.

Preliminary notice of the grant and the purposes to which it will be put was provided to the Council more than 30 days in advance of this meeting as is required by the grant documents. In addition, the Council should also seek comments from the public at the meeting regarding how these funds are to be used.

This grant is for federal fiscal year 2017. The Department of Justice delayed its issuance for a year. Elsewhere on the agenda is the 2018 Byrne Grant which also requires Council acceptance.

This order will authorize staff to apply for and accept these funds.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To hold a public hearing on the proposed uses of grant funds and to approve the Order, Authorizing Staff to Apply for and Accept Funds Through the Edward Byrne Memorial Justice Assistance Grant



COUNCIL ORDER

Order, Authorizing Staff to Apply for and Accept Funds Through the 2017 Edward Byrne Memorial Justice Assistance Grant.

Whereas, the City of Lewiston is eligible to apply for a Byrne Memorial Justice Assistance Grant in the amount of \$28,312; and

Whereas, in order to apply for these funds, the City Council must accept the funds if they are awarded and provide opportunity for public feedback on the proposed uses of these funds; and

Whereas, to meet a requirement of the grant, the City Council was provided with an opportunity to review it for a minimum of 30 days prior to the City accepting the grant; and

Whereas, the attached information details the uses to which this funds will be applied;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston that staff is hereby authorized to apply for and accept funding through the Edward Byrne Memorial Justice Assistance Grant program subsequent to the receipt, if any, of public feedback on the proposed uses of these funds.



POLICE DEPARTMENT

Brian T. O'Malley
Chief of Police



To: Mayor Shane Bouchard
Members of the City Council
Edward Barrett, City Administrator
Kathy Montejo, City Clerk

From: Chief Brian O'Malley

Date: July 26, 2018

Re: 2017 Edward Byrne Memorial Justice Assistance Grant (JAG) Program

We have recently received notification from the Department of Justice's Bureau of Justice Assistance of the local solicitation award for the City of Lewiston for 2017. The JAG Program, administered by the Bureau of Justice Assistance (BJA) and authorized under Public Law 109-162, is the leading source of federal justice funding to state and local jurisdictions. The JAG Program provides states and local governments with funding necessary to support a range of program areas including law enforcement, crime prevention and education, planning, evaluation and technology improvement, among others.

The Lewiston Police Department has agreed to be the fiscal agent for the participants listed below.

Total Eligible Allocation:	\$28,312
Androscoggin County:	N/A separate funding received through State

As per the grant application, we need to make this available for review by the governing body and provide the public an opportunity to comment.



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www.lewistonpd.org



Professionalism Integrity Compassion Dedication Pride Dependability

PROGRAM NARRATIVE

For the 2017 Edward Byrne Memorial Justice Assistance Grant, the Lewiston Police Department will serve as the fiscal agent for this jurisdiction. A separate fund will be established and all expenditures and revenues will be tracked through this account. Jurisdictions will be responsible for submitting invoices for reimbursement to Lewiston.

The Lewiston Police Department is always looking to increase the knowledge of our officers with specialized training. Our municipal budget only meets our minimum training needs. Training in areas of evidence handling, crime scene processing, use of the Taser, community policing strategies and active shooter situations are some of the areas in which we seek to enhance officer knowledge. Byrne Grant funds would allow officers to receive more detailed training in these areas which would enhance their effectiveness in dealing with such issues.

We would also like to purchase additional in-car mounted laptops. Our current inventory of laptops is also outdated and we are trying to replace a few per year to ensure that all software is able to run at maximum efficiency. Our portable radios are also becoming outdated and we will need to begin replacing them.

Our Tasers are also in need of repair/upgrades. The Tasers were purchased over seven years ago. We are begun to phase in the purchase of new Tasers over time.

We have computers and laptops and they are beginning to fail. These computers have proved to be a useful tool in solving crimes. The Lewiston Police Department has used past federal grants to install surveillance cameras in our high crime areas which have been very useful in solving violent crimes in our community. The Byrne Grant would allow us to continue this program and expand our video surveillance system.

For personnel overtime, performance measures will be based on the ability to train and recertify officers on use of tasers and a reduction in use of force complaints. For training, performance measures will be based on the benefit to the officer and the department of the training. Performance measures for equipment will be based on the ability to purchase, install and utilize each piece of equipment. Also on the impact the equipment has on the ability to perform the job more efficiently.

BUDGET NARRATIVE

The Lewiston Police Department has agreed to be the fiscal agent for the participants listed below.

Total Eligible Allocation: Lewiston \$28,312

PERSONNEL: \$1,492

Taser Training – 2018

We would also like to train and recertify additional officers in the use of the Taser.

TRAINING: \$4,220

Specialized Training - 2018-2019

Will include training to improve patrol operations, criminal investigations and administration to combat and help reduce street crime.

EQUIPMENT: \$22,600

Mobile Data Terminals – 2019 \$5,000

We have already purchased MDTs with prior grant funds and would like to continue working toward updating the remaining patrol vehicles.

Software licenses, Surveillance cameras, computer upgrades/replacement 2018-2020 \$6,000

Surveillance cameras require yearly license purchase and software upgrades. Computers require upgrades and replacement to allow our officers and detectives to continue investigative functions.

Tasers - 2019 \$7,600

Our Tasers are old and in need of repair/replacement. We have been repairing them when possible, but that is not always a viable option. We have begun replacing five Tasers per year and would like to use Byrne funds to continue this process.

Portable Radios and batteries - 2019 \$4,000

Due to changing technology we need to begin to upgrade our portable radios to allow officer to communicate with one another and the dispatch center.

LEWISTON CITY COUNCIL

MEETING OF AUGUST 14, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 13

SUBJECT: Order, Authorizing Staff to Apply for and Accept Funds Through the 2018 Edward Byrne Memorial Justice Assistance Grant.

INFORMATION:

The City of Lewiston is annually eligible for funding through the Edward Byrne Memorial Justice Assistance Grant program. This year's allocation is \$25,343 and the Police Department is proposing to use these funds for a variety of purposes including training and equipment as detailed on the attached budget.

Preliminary notice of the grant and the purposes to which it will be put was provided to the Council more than 30 days in advance of this meeting as is required by the grant documents. In addition, the Council should also seek comments from the public at the meeting regarding how these funds are to be used.

This grant is for federal fiscal year 2018.

This order will authorize staff to apply for and accept these funds.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

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To hold a public hearing on the proposed uses of grant funds and to approve the Order, Authorizing Staff to Apply for and Accept Funds Through the Edward Byrne Memorial Justice Assistance Grant



POLICE DEPARTMENT

Brian T. O'Malley
Chief of Police



To: Mayor Shane Bouchard
Members of the City Council
Edward Barrett, City Administrator
Kathy Montejo, City Clerk

From: Chief Brian O'Malley

Date: July 25, 2018

Re: 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) Program

We have recently received notification from the Department of Justice's Bureau of Justice Assistance of the local solicitation award for the City of Lewiston for 2018. The JAG Program, administered by the Bureau of Justice Assistance (BJA) and authorized under Public Law 109-162, is the leading source of federal justice funding to state and local jurisdictions. The JAG Program provides states and local governments with funding necessary to support a range of program areas including law enforcement, crime prevention and education, planning, evaluation and technology improvement, among others.

The Lewiston Police Department has agreed to be the fiscal agent for the participants listed below.

Total Eligible Allocation: \$36,154

Lewiston Police Dept	\$25,343
Auburn Police Dept	\$10,811
Androscoggin County:	N/A separate funding received through State

As per the grant application, we need to make this available for review by the governing body and provide the public an opportunity to comment.



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PROGRAM NARRATIVE

For the 2018 Edward Byrne Memorial Justice Assistance Grant, the Lewiston Police Department will serve as the fiscal agent for this jurisdiction. A separate fund will be established and all expenditures and revenues will be tracked through this account. Jurisdictions will be responsible for submitting invoices for reimbursement to Lewiston.

The Lewiston Police Department is always looking to increase the knowledge of our officers with specialized training. Our municipal budget only meets our minimum training needs. We have a supervisor who will be retiring soon, so there will be a new supervisor promoted to this position who will need to attend First Line Supervisor training. We have used grant funds in the past to send newly appointed supervisors to this training and find it to be valuable. We should have a new supervisor in place in the second year of this grant and plan to send this person to training right away.

Also in the second year of the grant we would like to purchase one mobile data terminal for use in the cruiser. Our current inventory of in-car mounted laptops is outdated. We try to replace a few per year to ensure that all software required for optimal job performance is able to run at maximum efficiency.

Our portable radios are also outdated and in need of constant repair. We currently have no spare radios and would like to purchase a dual band radio to utilize as the spare. We are working on a grant in conjunction with the school department and our dispatch center to convert to a dual band system. This funding will not be available for a few years. The spare radio we will purchase will be dual band and compatible with our current system as well as the proposed system.

Our Tasers are also in need of repair/upgrades. The Tasers were purchased over eight years ago. We have begun to phase in the purchase of new Tasers over time and would like to continue doing this with the purchase of three new Tasers in year two of the grant. In year three, we will need to purchase additional replacement cartridges for these Tasers.

We have computers and laptops that are beginning to fail. These computers have proved to be a useful tool in solving crimes. We need to upgrade the computers department wide to utilize the most current version of the windows operating system. We are doing this gradually by phasing in a few new ones every year. We would like to use grant money to fund the purchase of one each year for three years of the grant.

The Lewiston Police Department has used past federal grants to install surveillance cameras in our high crime areas which have been very useful in solving violent crimes in our community. The Byrne Grant would allow us to continue this program and expand and upgrade our video surveillance system.

LEWISTON CITY COUNCIL

MEETING OF AUGUST 14, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 14

SUBJECT: Resolve, Accepting Governor's Deed to the Property Located at 623 Webster Street.

INFORMATION: The property at 623 Webster Street is owned by the Maine Department of Transportation and is a created wetland maintained as mitigation property for another MDOT project. That parcel is covered by a conservation easement to ensure that it continues to operate as a wetland. It abuts the City property at 325 Alfred Plourde Parkway.

We have proposed dedicating the City's property as a replacement property for the former Land and Water Conservation property located near the intersection of Lincoln and Cedar which was improperly abandoned years ago. Under LWCF requirements, property which benefits from such a federal grant must be forever maintained as recreational property. Since this property was not, the City is required to find replacement property of equal or greater market value. We are proposing to create a public trail system on the Plourde parcel; however, for that to work, a portion of the trail system needs to be located on the adjacent MDOT parcel.

We have discussed the potential for the state transferring this property to the City with both the Maine Department of Transportation and the Maine Department of Environmental Protection. MDOT is supportive of such a transfer and the DEP has scheduled a site visit to verify that the property is in compliance with the conservation easement.

The attached resolve would accept this property. The Planning Board has previously voted to recommend that the City acquire it. Please see the attached maps and information.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/KMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve, Accepting Governor's Deed to the Property Located at 623 Webster Street.

GOVERNOR'S DEED

THE STATE OF MAINE, acting by and through its Governor, on recommendation of the Commissioner of the Department of Transportation, under and pursuant to the provisions of 23 M.R.S. Section 61, for consideration, the sufficiency of which is hereby acknowledged, **RELEASES** to the **CITY OF LEWISTON**, a body municipal, politic and corporate with a mailing address of 27 Pine Street, Lewiston, Maine, all its right, title and interest in and to two certain lots or parcels of land situated in Lewiston, County of Androscoggin and State of Maine, and being as shown on a Maine Department of Transportation Right of Way Map for State Highway "18", Lewiston, Androscoggin County, Federal Aid Project No. M-STP-0003(6)X Part 2, on file in its office at Augusta, D.O.T. File No. 1-115, sheet 18 of 18 Sheets, bounded and described as follows:

PARCEL ONE:

A certain lot or parcel of land located along the southwesterly side of Webster Street in said Lewiston, Maine, described as follows:

BEGINNING at a point sixty and no hundredths (60.00) feet westerly from and as measured along a line normal to the State Highway "18" Base Line at Station 163+00;

THENCE S 84°57'14" W two hundred and no hundredths (200.00) feet to a point;

THENCE N 46°21'32" W one hundred ninety-four and seventy-six hundredths (194.76) feet to a point;

THENCE N 14°17'31" E two hundred and no hundredths (200.00) feet to a point three hundred forty (340) feet westerly from and as measured along a line normal to the Base Line at Station 166+00;

THENCE N 9°21'12" E two hundred twenty-four and twenty-two hundredths (224.22) feet to a point three hundred fifteen (315) feet westerly from and as measured along a line normal to the Base Line at Station 168+00;

THENCE N 18°11'00" E two hundred sixty-six and nine hundredths (266.09) feet to a point fifty (50) feet southwesterly from and as measured along a line at right angles to the Webster Street Base Line at Station 919+75;

THENCE S 54°23'12.1" E one hundred twenty-five and no hundredths (125.00) feet to a point fifty (50) feet southwesterly from and as measured along a line at right angles to the Webster Street Base Line at Station 918+50;

THENCE S 18°57'32.8" E two hundred thirteen and sixty hundredths (213.60) feet to a point sixty (60) feet westerly from and as measured along a line normal to the State Highway "18" Base Line at Station 168+00;

THENCE southerly along a curved line sixty (60) feet westerly from and concentric with the State Highway "18" Base Line five hundred ten and forty-seven hundredths (510.47) feet to the point of beginning.

Said Parcel One is further described as the Wetland Mitigation Area depicted on the aforementioned Right of Way Map and consists of 4.36 acres, more or less.

THE ABOVE DESCRIBED PARCEL ONE IS CONVEYED SUBJECT TO the conditions of a Declaration of Covenants and Restrictions dated March 4, 1998 and filed by the State of Maine by and through its Department of Transportation in the Androscoggin County Registry of Deeds in Book 3936, Page 6. The covenants and restrictions set out there in shall run with the land and follow the described property in perpetuity.

PARCEL TWO:

A certain lot or parcel of land located along the southwesterly side of Webster Street in said Lewiston, Maine, described as follows:

BEGINNING at a point on Webster Street at the northerly corner of land now or formerly of Dolard Gendron, et al., 50 feet southwesterly from and as measured along a line at right angles to the base line of said Webster Street at station 916+08, and 60 feet easterly from and as measured along a line normal to a 2° curve in the base line of a formerly proposed but unbuilt road, at station 168+74, as shown on the above-referenced right of way map;

THENCE N 54° 23' 12.1" W, adjoining said Webster Street, parallel with the base line thereof, a distance of 242 feet to a point 50 feet southwesterly from and as measured along a line at right angles to said base line at station 918+50, said point being at the northeasterly corner of land now or formerly of the State of Maine Department of Transportation, as the same is described in a Declaration of Covenants and Restrictions recorded in Book 3936, Page 6, being land within the area labelled on the above-referenced map as "WETLAND MITIGATION AREA = 4.36± AC", and being that same parcel conveyed and described herein as Parcel One;

THENCE S 18° 57' 32.8" E, adjoining land of said State of Maine, a distance of 213.60 feet to a non-tangent point of curvature 60 feet westerly from and as measured along a line normal to said 2° curve in the base line of said unbuilt road at station 168+00;

THENCE southerly, adjoining land of said State of Maine, along a curve to the left, concentric with and maintaining always a distance of 60 feet westerly from the base line of said unbuilt road, said curve having a radius of 2924.79 feet, and an arc length of 510.47 feet, to a point on a northerly line of said Gendron, 60 feet westerly from and as measured along a line normal to said base line at station 163+00;

THENCE easterly, adjoining land of said Gendron, along said line normal to the base line of said unbuilt road, at station 163+00, said line being non-tangent with the curve of the previously mentioned course, a distance of 120 feet to a point of non-tangent curvature, 60 feet easterly from and as measure along a line normal to said base line at station 163+00;

THENCE northerly, adjoining land of said Gendron, along a curve to the right, concentric with and maintaining always a distance of 60 feet easterly from the base line of said unbuilt road, said curve having a radius of 2804.79 feet, and an arc length of 562 feet, more or less, to the POINT OF BEGINNING.

The above described Parcel Two contains 1.8 acre, more or less.

THE TWO ABOVE-DESCRIBED PARCELS CONVEYED HEREIN are depicted on **Exhibit A**, attached hereto, and are a portion of the premises previously acquired from Dolard Gendron and Priscilla D. Gendron by the State of Maine, acting by and through its Department of Transportation, through its Notice of Layout and Taking filed in said Registry of Deeds on April 29, 1996 in Book 3588, Page 269.

SUBJECT TO all utility easements and installations located on the above described premises, including those shown on the herein referred to Right of Way Map, and to those rights which any utility enjoys over the subject premises for maintenance, location or relocation of poles and other installations.

THE STATE makes no representations or warranties with respect to the premises conveyed. The representations and warranties so excluded encompass, but are not limited to, those pertaining to: land use and environmental matters; fitness of the premises or any portion thereof for any particular purpose; water quality or quantity; the condition or quality of the soil; inchoate or unrecorded liens; or the existence, status, or condition of access to, or public utilities serving the premises. Any subsequent use of, improvement to, or construction on the parcel is subject to all applicable laws, regulations, ordinances, and permitting requirements.

IN WITNESS WHEREOF, I, Paul R. LePage, Governor of the State of Maine, have caused the name and great seal of the State of Maine to be hereto affixed this ____ day of _____, 2018.

STATE OF MAINE

By: _____,
Paul R. LePage, Governor

Affixed by: _____
Secretary of State

STATE OF MAINE
COUNTY OF KENNEBEC _____, 2018

Personally appeared the above-named Paul R. LePage, Governor of the State of Maine and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the State of Maine.

Before me,

Notary Public/Attorney at Law

Print Name: _____

My commission expires:

EXHIBIT A
PLAN



EXECUTIVE

Edward A. Barrett, City Administrator
Denis D'Auteuil, Deputy City Administrator

August 6, 2018

To: Honorable Mayor and Members of the City Council
Fr: Edward A. Barrett
Su: Land Acquisition – Webster Street MDOT Mitigation Site

I am requesting that the City Council approve the acquisition of the MDOT wetland mitigation site located on Webster Street between Jan's Boulevard and Alfred Plourde Parkway. This site is adjacent to City owned land at the intersection of Webster and Alfred Plourde that the City is proposing as replacement property for a prior Land and Water Conservation Fund Grant supported property once located near the intersection of Lincoln Cedar Streets in downtown.

In 1970, the City received a LWCF grant to purchase and install an above ground pool in a playground area surrounding the then Couture Community Center located near the intersection of Lincoln and Cedar (see attached map). The pool remained at this location until about 2006, or for roughly 35 years. The property owned by the City was subsequently sold to the Lewiston Auburn Railroad Company as part of its effort to secure a potential rail corridor in the area. Unfortunately, it appears that those involved in this transaction were not aware of the LWCF restrictions placed on it in 1970. Those restrictions require that any property assisted by a LWCF grant be maintained in perpetuity as public open/recreational space.

The responsibility for monitoring LWCF properties throughout Maine rests with the State Bureau of Parks and Lands. It appears that the state did no monitoring for many years. While this does not relieve the City of its own responsibility to have recognized and abided by the LWCF requirements, it helps to explain why these restrictions were apparently forgotten at the time the property was sold.

The City was contacted in 2016 by a representative of the State Bureau of Parks and Lands who requested that the City provide an update on all of its varied LWCF assisted recreational areas. As these were reviewed, the issue with this property was discovered.

Under LWCF regulations, the City is now required to find a replacement property of equal or higher market value to substitute for the property no longer maintained at Lincoln and Cedar. At the same time, the City was also dealing with a similar issue involving the Franklin Pasture property on which the new elementary school is being built, also covered by LWCF restrictions. This added complexity to the replacement issue since the City was required to locate substitute property for both projects.

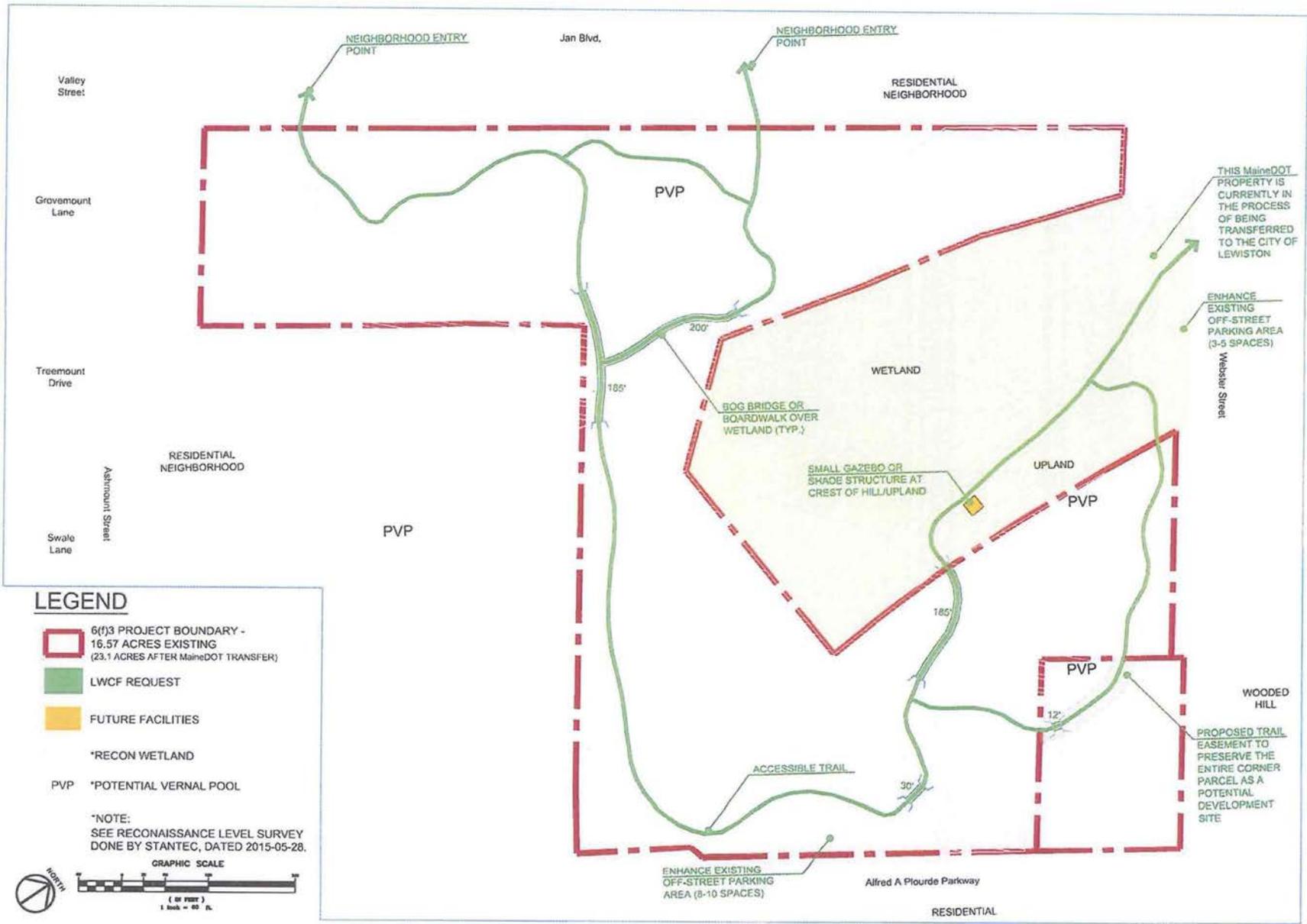
To address the replacement issue, city staff first reviewed all City owned property to determine whether any existing parcels could be converted to recreation and open space use. Among the parcels reviewed was property recently donated to the City at the intersection of Webster and Plourde. We have reviewed this property, prepared a potential development plan for it, and

discussed its viability as an acceptable replacement property with the State employee responsible for the LWFC. Please see the attached map and pictures showing the property and the proposed trail system.

As you can see from the map, the property is partially split by a wedge of land owned by the Maine Department of Transportation. MDOT acquired this property to develop a wetland as mitigation for wetlands impacted by the construction of Alfred Plourde Parkway. In order to best develop this property for open space and recreational purposes, the MDOT property should be integrated into the overall parcel. This is also required for LWCF purposes since non-owned recreational areas do not qualify for consideration.

This parcel is covered by environmental restrictions relating to the created wetlands. A copy of these restrictions is attached. Note, however, that the wetlands are well-established, and the property requires a minimum of maintenance and supervision. We have also arranged for a representative of the Maine Department of Environmental Protection to visit the site and verify that it remains in compliance with these restrictions.

MDOT has indicated a willingness to transfer this property to the City so that it can be integrated into our overall open space plan for the larger property. This would require that the City accept the obligations that go with the conservation restrictions.

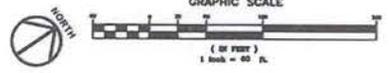


LEGEND

- 6(f)3 PROJECT BOUNDARY - 16.57 ACRES EXISTING (23.1 ACRES AFTER MaineDOT TRANSFER)
- LWCF REQUEST
- FUTURE FACILITIES
- *RECON WETLAND
- PVP *POTENTIAL VERNAL POOL

*NOTE:
SEE RECONNAISSANCE LEVEL SURVEY DONE BY STANTEC, DATED 2015-05-28.

GRAPHIC SCALE
1 inch = 60 ft.



NOTES:
This plan was created using the following data:
Aerial Imagery: 2015
LiDAR: 2015
MaineDOT GIS: 2015
Permitted Data from the Town of Lewiston GIS Department



TERRANCE L. BRYAN, P.E. & ASSOCIATES
LANDSCAPE ARCHITECTURE & PLANNING
115 Mount Hope Street, Lewiston, ME 04201
Tel: (207) 554-8444 Fax: (207) 554-8199
www.tlba.com



Plourde Park
325 A.A. Plourde Parkway
Lewiston, Maine
Applicant:
City of Lewiston



GRAPHIC SCALE
1" = 100' 0"
EXISTING CONDITIONS PHOTO MAP
PLOURDE PARKWAY PROPERTY



PP1: View looking southeast toward the existing Webster Street access and parking area to the MaineDOT wetland mitigation site.



PP2: View looking south toward the access to the MaineDOT wetland mitigation site.



PP3: View looking North back toward the existing access and parking area on Webster Street.



PP4 (Left): View looking south near the crest of the hill.

PP5 (Below): View looking south from the crest of the hill on the MaineDOT wetland mitigation site. The hill has sweeping views of the surrounding area.





PP6 (Above): View looking back North from the crest of the hill. The surrounding topography and vegetation create excellent sound buffers from roads and nearby neighborhoods



PP7 (Left): View looking west with wetlands in the foreground and the MaineDOT mitigation site in the background.



PP8: View looking north toward the existing parking area from the snowmobile trail access point off of Alfred A. Plourde Parkway.



PP9: View looking northwest down the existing snowmobile trail off of Alfred A. Plourde Parkway.



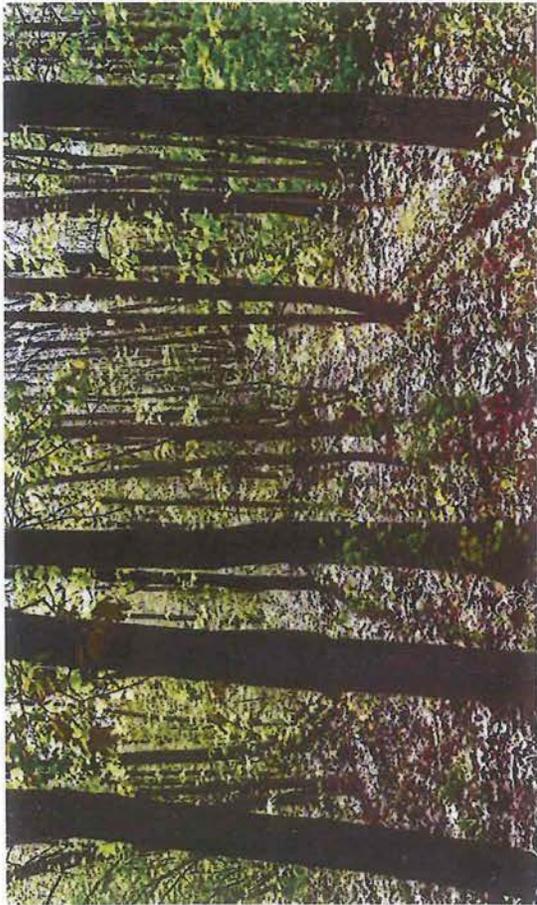
PP10: View looking northwest down the existing snowmobile trail within the site.



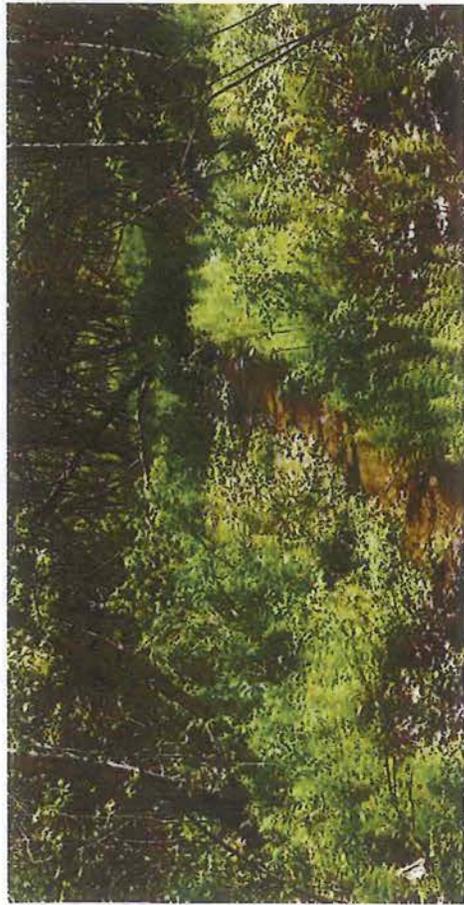
PP11: View looking southeast at the potential site access point off of the intersection of Denise Street and Jans Boulevard.



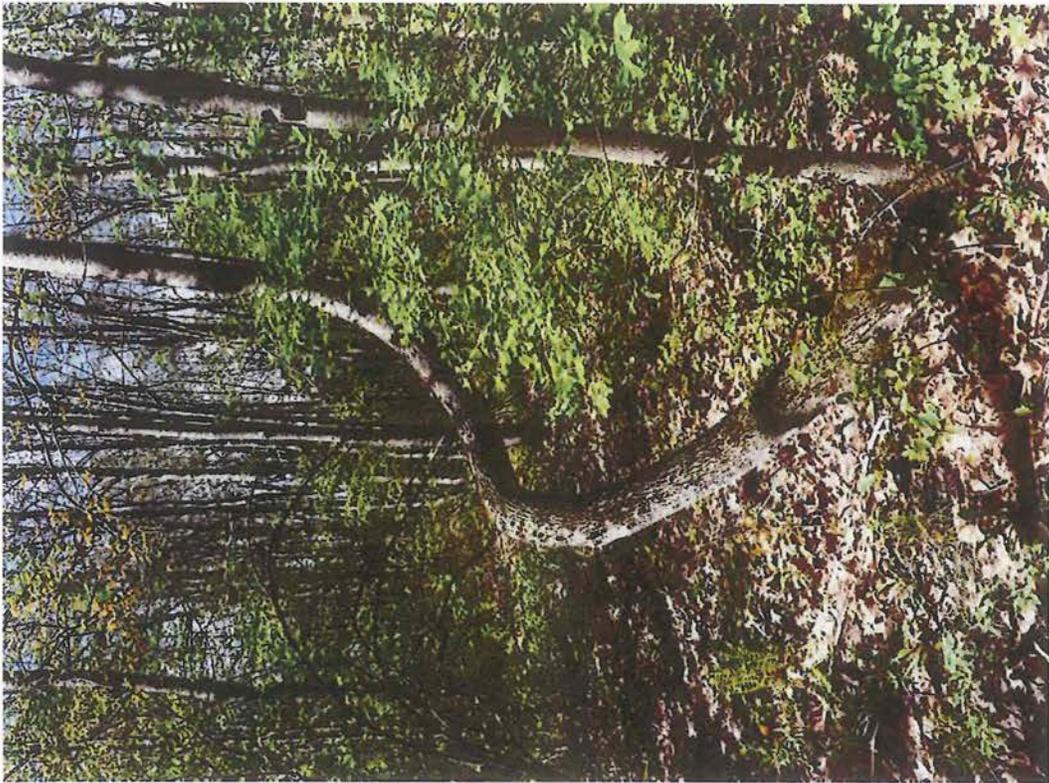
PP12: View looking northwest from the property line of the site back toward the intersection of Denise Street and Jans Boulevard .



PP13: View looking east into the site...



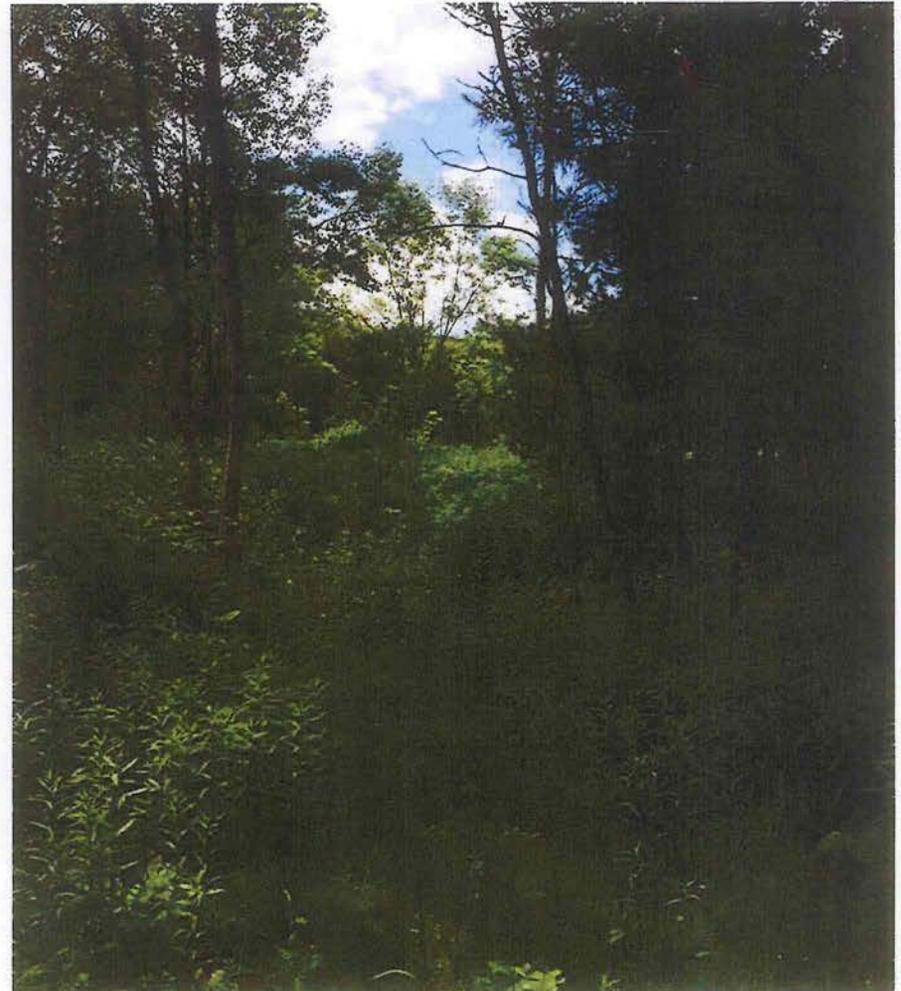
PP14: View looking north toward an existing brook...



PP15: Forest character



PP16: View looking southeast into the site of the existing paper street access point.



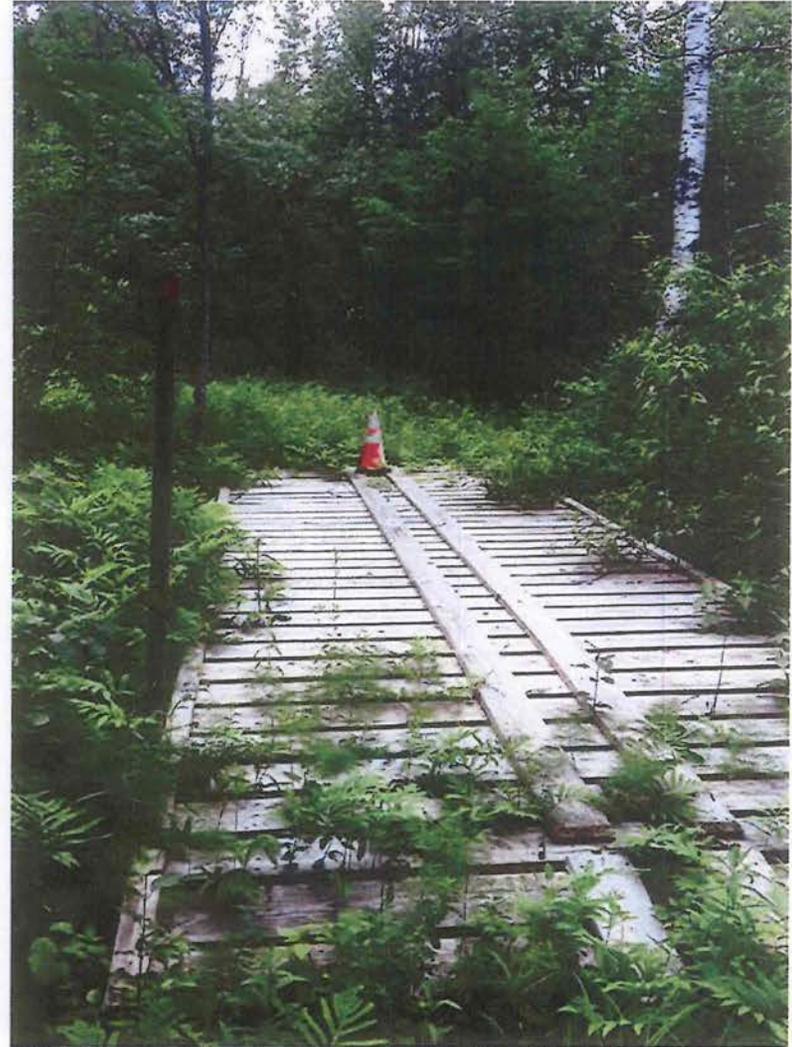
PP17: View looking north along the existing clearing with access to the paper street.



PP18: View looking south out of the site down the corridor of the existing snowmobile trail. A house on Ashmount is almost in view at the terminus.



PP19: Existing winter bridge on snowmobile trail.



PP20: Existing newer looking winter bridge on the snowmobile trail. It's not clear whether the post on the left with the red tip represents the property line or not.

**DECLARATION OF COVENANTS AND RESTRICTIONS
AFFECTING PROPERTY OF THE STATE OF MAINE, by and through its
DEPARTMENT OF TRANSPORTATION, located at WEBSTER STREET,
LEWISTON, ANDROSCOGGIN COUNTY, STATE OF MAINE**

THIS DECLARATION is made this 4TH day of MARCH, 1998, by the STATE OF MAINE, by and through its Department of Transportation, having an address of 16 State House Station, Augusta, ME 04333-0016, (hereafter "Department");

WHEREAS, the Department holds title to certain real property situated in Lewiston, Maine, as described and as shown on Maine Department of Transportation Right-of-Way Map, State Highway "18", City of Lewiston, Androscoggin County, Federal Aid Project No. M-STP-0003(6)X, Part II, (PIN 002383.30), Sheet 18 of 18, dated September, 1995, on file in its office at Augusta, D.O.T. File No. 1-115, and described in Notice of Layout and Taking recorded in the Androscoggin County Registry of Deeds on April 29, 1996, in Book 3588, Page 269, said real property being more specifically described in Exhibit A, attached hereto and incorporated herein; and

WHEREAS, the real property described in Exhibit A shall provide compensatory mitigation for the environmental effects of the Department's transportation project known as the "Lewiston Connector"; and

WHEREAS, wetlands on the said real property shall be restored and preserved, pursuant to (1) Section 404 of the Clean Water Act (33 U.S.C. section 1344) and accompanying regulations; (2) permit issued by the Army Corps of Engineers (Permit Number 199500906); and (3) permit issued by the State of Maine, Department of Environmental Protection ("DEP") (Permit Number L-19052-31-A-N) (the real property described in Exhibit A, as restored and preserved, hereafter referred to as the "Protected Property"); and

WHEREAS, the Department, the DEP, and the Army Corps of Engineers, recognizing the functions and values of the Protected Property, have the common purpose of conserving the functions and values of the Protected Property by imposition of the within covenants and restrictions over the Protected Property, which covenants and restrictions shall benefit, protect and conserve the functions and values of the Protected Property, conserve and protect the indigenous plant and animal populations, and prevent the use of development of the Protected Property for any purpose or in any manner that would conflict with its condition, for the benefit of Hancock County and the people of the State of Maine; and

WHEREAS, the Protected Property, as restored and preserved, shall have significant educational, aesthetic, and ecological functions and values ("conservation values"); and

WHEREAS, preservation of the Protected Property is consistent with federal, state, and local governmental conservation policy; and

WHEREAS, the Department intends to convey to the State of Maine Department of Environmental Protection ("DEP") the right to preserve and protect the conservation values of the Protected Property by enforcing the covenants and restrictions set forth herein; and

WHEREAS, the DEP has the purpose of preserving and conserving the Protected Property for educational, aesthetic, and ecological values, and assuring that the Protected Property is maintained in its restored and preserved state; and

WHEREAS, the DEP agrees by executing this Declaration of Covenants and Restrictions, to enforce the covenants and restrictions herein, to honor the intentions of the Department stated herein, and to preserve and protect in perpetuity the conservation values of the Protected Property for the public benefit of this generation and the generations to come;

NOW THEREFORE, in consideration of the above, the Department does hereby covenant and agree that the Protected Property is and shall be held, and if conveyed shall be subject to, the restrictions, covenants, conditions, servitudes and easements set forth in the various clauses of this Declaration, which it is hereby covenanted and agreed shall inure to the benefit of and be binding upon the Department, its successors and assigns, and shall be binding upon the Protected Property as described herein, to wit:

1. **PURPOSE:** It is the purpose of this Declaration to assure that the Protected Property: (1) will be retained forever in its restored and preserved status; and (2) will not be used in a way that will significantly impair or impede the conservation uses of the Protected Property.

2. **RIGHTS OF DEP:** To accomplish the purposes of this Easement, the DEP (hereafter "DEP/Enforcer") shall have the following enforcement rights:

- a. The right to preserve and protect the conservation values of the Protected Property;
- b. The right to enter and inspect the Protected Property over other lands, easements, or rights-of-way of the Department (if any) at any reasonable time and in any reasonable manner provided that the time and manner of such entry does not unreasonably interfere with the uses of the Protected Property permitted hereunder or the quiet enjoyment of other lands of the Department (if any), and to enforce by proceedings at law or in equity the covenants hereinafter set forth, including the right to require restoration of the Protected Property to its condition prior to any breach hereof; and,

- c. The right to prevent any activity on or use of the Protected Property that is inconsistent with the purpose of this Declaration and to require the restoration of such areas or features of the Protected Property that may be damaged by any inconsistent activity or use.

3. USE OF THE PROPERTY: The Department may provide for access by the general public for limited educational and conservation purposes only. No commercial, industrial, agricultural, quarrying, or mining activities shall be permitted on the Protected Property. No motorized vehicles of any kind, including recreational vehicles, all-terrain vehicles, motorcycles, dirt bikes, and snowmobiles shall be permitted on the Protected Property except in emergencies and when necessary to the exercise of the Department's and the DEP/Enforcer's rights under the terms of this Declaration. No filling, paving, dumping, excavation, draining, dewatering or other alteration shall be made to the surface of the Protected Property other than that caused by the forces of nature. Any activity on or use of the Protected Property inconsistent with the purposes of this Declaration is prohibited.

4. RIGHTS OF DEPARTMENT: The Department reserves the right to enter and inspect the property and to undertake additional wetland restoration efforts, if any, as may be required by the permits described on page 1 of this Declaration and by applicable laws and regulations in effect on the date of this Declaration. The Department reserves the right to sell, give, or otherwise convey the Protected Property, provided such conveyance is subject to the terms of this Declaration; and the terms, conditions, covenants, restrictions and purposes imposed herein shall be binding upon the Department only so long as the Department shall own the Protected Property. In the event that the Protected Property shall be sold, said terms, conditions, covenants, restrictions and purposes imposed herein shall be binding upon all other successors to the Department in interest, and shall continue as a servitude running with the Protected Property in perpetuity. Nothing herein shall be construed to entitle any governmental agency to enforce the terms of this Declaration against the Department or its successors or assigns for any changes to the Protected Property due to causes beyond the Department's control, such as changes caused by fire, flood, storm, or the unauthorized wrongful acts of a third party.

5. CUTTING OF TIMBER AND VEGETATION: The destruction or removal of standing timber, plants, shrubs or other vegetation shall not be permitted, except, however, there are retained in the Department the following rights:

- a. The right to clear and restore vegetation that is damaged or destroyed by the forces of nature, such as fire or disease and with the prior written approval of the DEP/Enforcer

when necessary to prevent the spread of disease.

- b. The right to clear and restore vegetation, in the event of an emergency, when necessary to prevent the spread of fire.
- c. The right to gather, use or remove dead wood.

6. **SUCCESSORS:** Except as otherwise indicated herein, the covenants, terms, conditions, and restrictions of this Declaration shall be binding upon, and inure to the benefit of, the parties hereto and their respective successors, and assigns and shall continue as a servitude running in perpetuity with the Protected Property.

7. **TERMINATION OF RIGHTS AND OBLIGATIONS:** A party's rights and obligations under this Declaration terminate upon transfer of the party's interest in the Protected Property, except that liability for acts or omissions occurring prior to transfer shall survive transfer.

8. **NOTICES:** Any notice, demand, request, consent, approval or any other communication regarding the Protected Property shall be in writing and shall be sent via certified mail addressed as follows:

To the Department: Maine Department of Transportation
 Office of Environmental Services
 16 State House Station
 Augusta, ME 04333-0016

To the DEP/Enforcer: Maine Department of Environmental Protection
 Bureau Director - Bureau of Land and Water Quality
 17 State House Station
 Augusta, ME 04333-0017

9. **RECORDATION:** The Department shall record this instrument in timely fashion in the official records of Androscoggin County, Maine.

10. **CONTROLLING LAW:** The interpretation and performance of this Declaration shall be governed by the laws of the State of Maine. This Declaration shall be liberally construed to effect the purposes as set forth in Section 1, above.

11. **SEVERABILITY:** If any provision of this declaration or the application thereof is found to be invalid, the remainder of the provisions of the Declaration, or the application of such

provisions to persons or circumstances other than those as to which it is found to be invalid, shall not be affected thereby.

12. ACCEPTANCE BY DEP/ENFORCER: The DEP/Enforcer joins in this Declaration for the limited purpose of accepting the rights and duties applicable to the DEP/Enforcer, as set forth in this instrument.

IN WITNESS WHEREOF the Department and DEP/Enforcer have executed and sealed this document the day and year first above written.

STATE OF MAINE
DEPARTMENT OF
ENVIRONMENTAL PROTECTION

Sharon A. Bangs
Witness

By: Edward O. Sullivan
By: Edward O. Sullivan
Its: Commissioner

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION

Sharon A. Bangs
Witness

By: John G. Melrose
By: John G. Melrose
Its: Commissioner

STATE OF MAINE
COUNTY OF KENNEBEC, ss.

Dated: MARCH 4, 1998

Then personally appeared the above named John G. Melrose, Commissioner, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the Maine Department of Transportation.

Before me,
Sharon R. Dunn
~~Attorney~~ Notary Public
Print Name: SHARON R. DUNN
My Commission Expires: 12/1/2004
Seal:

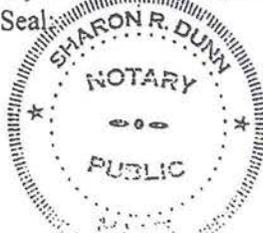


EXHIBIT A

Beginning at a point sixty and no hundredths (60.00) feet westerly from and as measured along a line normal to the State Highway "18" Base Line at Station 163+00;

Thence S. $84^{\circ}57'14''$ W. two hundred and no hundredths (200.00) feet to a point;

Thence N. $46^{\circ}21'32''$ W. one hundred ninety-four and seventy-six hundredths (194.76) feet to a point;

Thence N. $14^{\circ}17'31''$ E. two hundred and no hundredths (200.00) feet to a point three hundred forty (340) feet westerly from and as measured along a line normal to the Base Line at Station 166+00;

Thence N. $9^{\circ}21'12''$ E. two hundred twenty-four and twenty-two hundredths (224.22) feet to a point three hundred fifteen (315) feet westerly from and as measured along a line normal to the Base Line at station 168+00;

Thence N. $18^{\circ}11'00''$ E. two hundred sixty-six and nine hundredths (266.09) feet to a point fifty (50) feet southwesterly from and as measured along a line at right angles to the Webster Street Base Line at Station 919+75;

Thence S. $54^{\circ}23'12.1''$ E. one hundred twenty five and no hundredths (125.00) feet to a point fifty (50) feet southwesterly from and as measured along a line at right angles to the Webster Street Base Line at Station 918+50;

Thence S. $18^{\circ}57'32.8''$ E. two hundred thirteen and sixty hundredths (213.60) feet to a point sixty (60) feet westerly from and as measured along a line normal to the State Highway "18" Base Line at Station 168+00;

Thence southerly along a curved line sixty (60) feet westerly from and concentric with the State Highway "18" Base Line, five hundred ten and forty seven hundredths (510.47) feet to the point of beginning.

LEWISTON CITY COUNCIL

MEETING OF AUGUST 14, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 15

SUBJECT: Order, Authorizing the City Administrator to Enter into an Option Agreement for the Purchase of 55 North Temple Street

INFORMATION: We are in the process of replacing the City's current Sabattus Street Fire Station due to its age, condition, and functional obsolescence. This station is currently located on a very small parcel that is not large enough to support a new station, nor is it possible to easily and cost effectively expand this property. As a result, alternative sites were reviewed with four potential sites evaluated by the City's architectural/engineering consultant that undertook the study of the conditions of our current facilities. Based on that review, the property at 55 North Temple is recommended as the preferred location. This 10 acre property is located near the signalized intersection of North Temple and Sabattus Street, is relatively level, and would require minimal infrastructure investments, including water, sewer, and stormwater.

After discussions with the owner of the property, the City contracted for an appraisal of the property. In the opinion of the appraiser, the market value of the property is \$290,000, and the owner has agreed to that price. The proposed option (attached) is for an initial one year term that can be extended for an additional 180 days. The option price is \$3,000, which will be credited to the purchase price at closing. This option recognizes that the City must receive various governmental approvals before actual construction of a fire station can begin.

The Planning Board has been asked to provide a recommendation to the Council on this acquisition. It will appear on the Board's agenda for its August 13th meeting and should be available for the Council on the 14th.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/ikmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order, Authorizing the City Administrator to Enter into an Option Agreement for the Purchase of 55 North Temple Street



COUNCIL ORDER

Order, Authorizing the City Administrator to Enter into an Option Agreement for the Purchase of 55 North Temple Street

Whereas, the City's current fire substation located on Sabattus Street must be replaced due to its age, condition, and functional obsolescence; and

Whereas, the City owns insufficient property at this location to allow for a replacement station to be constructed on that site; and

Whereas, after review and evaluation of a number of alternative sites by staff and the City's architectural and engineering consultants, 55 North Temple is the recommended location for a new station, due to its topography, the availability of infrastructure, and its location near the signalized intersection of North Temple and Sabattus Street; and

Whereas, the City and the current owner have reached an agreement on purchase price based on a recently conducted appraisal of the property; and

Whereas, the City and owner have also agreed to an Option agreement, recognizing that the City must obtain various governmental approvals before a fire station can be constructed on the property;

Now, therefore, be it ordered by the City Council of the City of Lewiston that

The City Administrator is hereby authorized to enter into an Option Agreement, in a form substantially as attached hereto, for the purchase of 55 North Temple Street.

OPTION AGREEMENT

THIS AGREEMENT (“Agreement”) is made as of July __, 2018 (“Effective Date”) BETWEEN **Bernard J. Grenier, Rita S. Grenier, and Pierre Grenier**, (collectively referred to as “Seller”), and the City of Lewiston (“Buyer”).

BACKGROUND

Seller is the owner of the land and buildings situated at **55 North Temple, Lewiston Maine**, shown on Lewiston Tax Map 90, Lot 84, and which is more particularly described in 1) deed from Hazel A. Bansmer to Thomas C. Grenier, Bernard J. Grenier, and Rudolph Grenier dated November 24, 1972 and recorded in the Androscoggin County Registry of Deeds in Book 1065, Page 169; 2) Certificate and Abstract for the Estate of Thomas C. Grenier, Sr. dated November 20, 2000 and recorded in said Registry in Book 4546, Page 277; and 3) deed from Pierre Grenier, Personal Representative of the Estate of Rodolphe A. Grenier to Pierre Grenier dated January 28, 2014 and recorded in said registry in Book 8859, Page 115 (the “Real Estate”). Seller desires to grant Buyer an option to purchase the Real Estate.

AGREEMENT

The parties agree as follows:

1. Option. Seller grants to Buyer an exclusive option to purchase the Real Estate as provided in this Agreement during the Option Term.
2. Option Price and Renewal Option Price. The option price is \$3,000 (“Option Price”), receipt of which is hereby acknowledged. The Buyer, at its election, may extend the Option Term by an additional payment of \$3,000 (the “Renewal Option Price”). Neither the Option Price nor the Renewal Option Price is refundable except as stated in this Agreement. The Option Price, and Renewal Option Price, if any, shall be applied towards the purchase price if the Buyer exercises this option
3. Option Term. The Option Term shall commence on the Effective Date and continue until the earlier to occur of (i) thirty days after the final decision of all government agencies providing Government Approvals, as hereinafter defined, of the construction by the City of a Fire Station on the Real Estate; and (ii) 365 days after the Effective Date, or 545 days after the Effective Date if the Buyer has paid the Renewal Option Price.
4. Seller Cooperation. Seller shall cooperate with (i) the performance of tests by Buyer, and (ii) the obtaining by Buyer, at Buyer’s expense, of all licenses and permits or authorizations required for Buyer’s construction of a fire station on the Real Estate from all applicable government and/or regulatory entities (collectively, “Governmental Approvals”).
5. Grant of Access License and Permission to Seek Government Approvals. Commencing on the Effective Date and throughout the Option Term, Seller grants to Buyer, an

irrevocable, exclusive license (“License”) to (i) enter upon the Real Estate at any time and from time to time to conduct, at Buyer’s expense, such tests, inspections, surveys and investigations as Buyer deems necessary or appropriate to evaluate the suitability of the Real Estate as a fire station and (ii) seek Government Approvals during the Option Term for the construction of a fire station on the Real Estate. During the Option Term, the Buyer shall not place, or permit to be placed, or use, or permit to be used, any permanent improvements or structures on the Real Estate. If Buyer does not exercise the Option within the Option Term, Buyer shall, at Buyer’s sole cost and expense, promptly remove any and all liens, improvements, personal property, equipment, goods, and other property, and all trash, debris, and other refuse from the Real Estate that is the result of such tests, and shall have no other rights in and to the Real Estate.

6. Exercise. Buyer shall exercise its option by notice to Seller given during the option term.
7. Purchase Price. The purchase price for the acquisition of the Real Estate shall be \$290,000. The purchase price shall be paid in full (less the Option Price and Renewal Option Price, if any, pursuant to Section 2) at the closing.
8. Representations and Warranties. Seller represents and warrants to Buyer that, as of the date of this Agreement and as of the date of the closing:
 - 8.1. No Pending Litigation Affecting Real Estate. There is no legal proceeding pending or threatened (or, to the best knowledge of Seller, any basis for such a proceeding) against Seller affecting any portion of the Real Estate in any court or before any arbitrator of any kind or before or by any governmental body.
 - 8.2. No Leases or Contracts. There are no leases, subleases or agreements concerning the ownership, leasing, subleasing or occupancy of the Real Estate. There are no service contracts, maintenance agreements or other agreements with respect to the Real Estate.
 - 8.3. Compliance with Laws. All applicable laws, statutes, ordinances and regulations have been complied with in regard to the Real Estate.
 - 8.4. Unencumbered Title. Seller is the owner of the Real Estate free and clear of all liens, rights to liens, claims, encumbrances, and other matters affecting title, subject only to conventional utility easements and such restrictions as would not make the title unmarketable and to any lien or encumbrance securing an indebtedness of a definitely ascertainable amount, which lien or encumbrance shall be released at or prior to the closing.
9. Termination. If Buyer objects to any exceptions to the title of the Real Estate or to the environmental conditions regarding the real estate during the Option Term, Seller shall have the option, at Seller's sole discretion, to use reasonable efforts to cure such defects at Seller's own expense during the next 30 days. If Seller cannot cure the defects within the 30 day time period, or such additional period as Buyer, in Buyer's sole discretion, may

allow, Buyer may elect to terminate the option on the Real Estate. Buyer shall notify Seller of such election, in which case the Option Price shall be refunded to Buyer and the obligations of all parties under this Agreement shall terminate. Alternatively, Buyer may elect to purchase the Real Estate as provided under the provisions of this Agreement subject to any defects which cannot be removed.

10. Closing. The closing shall take place at Buyer's election but not later than 60 days after the exercise of the option, at the offices of Brann & Isaacson, 184 Main Street, Lewiston, Maine, or such other place within the State of Maine as the Buyer may select.

11. Conveyance and Payment.

11.1. Title. Seller shall convey the Real Estate by warranty deed and otherwise as provided in Section 8.4. The title shall also be insurable by any reputable title insurance company licensed to do business in the State of Maine. Seller will execute such typical Seller affidavits, certification of trustee authority and closing documents as may appropriately be required by Buyer's counsel.

11.2. Possession. At the time of the closing, Seller will deliver exclusive possession of the Real Estate to Buyer.

11.3. Payment. Buyer will make all closing payments by wire or by certified, cashier's or attorney trust account check.

12. Miscellaneous.

12.1. Brokers. Neither Seller nor Buyer has retained a real estate broker in this transaction. Each agrees to hold harmless and indemnify the other from and against any losses, damages, costs or expenses that either party may suffer as a result of claims made or suits brought by any broker in connection with this transaction, the indemnifying party to be the party whose conduct gives rise to such claim.

12.2. Time. Time is of the essence in all matters relating to this Agreement.

12.3. Headings. Section headings are for convenience only. They are not intended to expand or restrict the scope or the substance of the provisions of this Agreement.

12.4. Binding Effect. This Agreement shall be binding on the successors and assigns of Seller and Buyer.

12.5. Assignment. This Agreement may not be assigned or delegated by either party without the prior written consent of the other party.

12.6. Amendment. This Agreement may not be amended, modified or revoked except by a writing signed by both parties.

12.7. Counterparts. This Agreement may be signed on any number of counterparts with the same effect as if the signatures were on the same instrument. The parties intend to conduct business by electronic means.

12.8. Governing Law. This Agreement shall be governed by Maine law.

12.9. Notices. Any notices required by this Agreement shall be given, in the case of Seller, to:

Bernard Grenier (on behalf of Bernard, Rita and Pierre)
80 North Temple Street
Lewiston, Maine 04240

and, in the case of Buyer, to:

Edward Barrett
City Administrator
City of Lewiston
27 Pine Street
Lewiston, ME 04240

or such other persons and addresses as a party may designate by notice to the other party. All such notices shall be effective upon receipt or refusal when delivered in person, by certified mail, return receipt requested or by delivery service providing proof of receipt.

12.10. Entire Agreement. This Agreement contains the entire and only agreement between the parties and no oral statements or representations or prior written matter not contained in this Agreement shall have any force and effect.

13. Short Form for Recording. Simultaneously with the execution of this Agreement, Seller shall execute a memorandum of option in the form attached as Exhibit A, which Seller may record in the Androscoggin County Registry of Deeds.

IN WITNESS WHEREOF, the parties have set their hands and seals on the day and year first above written.

City of Lewiston

Bernard J. Grenier
Dated: _____, 2018

By: Edward Barrett
Its: Administrator
Dated: _____, 2018

Rita S. Grenier
Dated: _____, 2018

Pierre Grenier
Dated: _____, 2018

EXHIBIT A

MEMORANDUM OF OPTION

SELLER: Bernard J. Grenier, Rita S. Grenier, and Pierre Grenier

BUYER: City of Lewiston ("Buyer")

PROPERTY: **55 North Temple, Lewiston Maine**, shown on Lewiston Tax Map 90, Lot 84, and which is more particularly described in 1) deed from Hazel A. Bansmer to Thomas C. Grenier, Bernard J. Grenier, and Rudolph Grenier dated November 24, 1972 and recorded in the Androscoggin County Registry of Deeds in Book 1065, Page 169; 2) Certificate and Abstract for the Estate of Thomas C. Grenier, Sr. dated November 20, 2000 and recorded in said Registry in Book 4546, Page 277; and 3) deed from Pierre Grenier, Personal Representative of the Estate of Rodolphe A. Grenier to Pierre Grenier dated January 28, 2014 and recorded in said registry in Book 8859, Page 115

DATE: July __, 2018

PERIOD: 60 days

Bernard J. Grenier
Dated: _____, 2018

Rita S. Grenier
Dated: _____, 2018

Pierre Grenier
Dated: _____, 2018

STATE OF MAINE
COUNTY OF _____

Dated: _____, 2018

Then personally appeared the above named BERNARD J. GRENIER acknowledged the foregoing instrument to be his free act and deed.

Notary Public/Attorney-at-Law

(Print Name)

LEWISTON CITY COUNCIL
MEETING OF AUGUST 14, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 16

SUBJECT: RESOLVE, Approving a Two Month Extension of the Agreement with LWS Development for the Purchase and Sale of Real Estate at 188 Lincoln Street.

INFORMATION: The City entered into an agreement with LWS Development LLC in October 2017 to sell the prior City Fire Station at 188 Lincoln Street for redevelopment as a mixed commercial/residential property, subject to LWS meeting certain requirements including the submission of construction drawings, a commitment from a credit worthy restaurant tenant or other tenant acceptable to the City, and evidence of project financing. In December 2017, the council approved modifying the agreement to convey the property to LWS, subject to a reverter that would return the property to the City if a tenant or project financing has not been obtained by June 1. This was done to preserve the project's ability to seek historic tax credits during a period when those credits were potentially in jeopardy at the federal level. The tax credits were preserved at the federal level, and the determination was made that the city would retain ownership of the property until the threshold criteria for conveyance noted above were met.

At this time, the developer has a signed letter of interest with a restaurant tenant and is in negotiations with them regarding a lease, has continued its due diligence on the property through its project architects, contractor, and historic consultant, has obtained the needed approval for listing the property on the National Register of Historic Places and will submit the final required application after they have a signed lease with a tenant, and are arranging financing through the use of the tax credits with Coastal Enterprises and the Northern New England Housing Investment Fund.

The developer is requesting a 60 day extension to finalize the tenant lease and financing. We believe LWS has made sufficient progress to support this request.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the RESOLVE, Approving a Two Month Extension of the Agreement with LWS Development for the Purchase and Sale of Real Estate at 188 Lincoln Street.



COUNCIL RESOLVE

RESOLVE, Approving a Two Month Extension to the Agreement with LWS Development for the Purchase and Sale of Real Estate at 188 Lincoln Street.

Whereas, on October 3, 2017, the City Council authorized the City Administrator to execute a Purchase and Sale Agreement with LWS Development for the former Lincoln Street fire station located at 188 Lincoln Street; and

Whereas, in December 2017, the agreement was amended to allow for the sale of the property to close prior to the end of the calendar year due to concerns over the potential elimination of federal tax credits necessary for the project to be financially feasible; and

Whereas, legislation was passed extending the availability of historic tax credits, removing that threat to the project and, as a result, rather than convey the property with a reversion clause, the Purchase and Sale was extended until June, 1, 2018; and

Whereas, that amended agreement requires that the developer conduct environmental assessments, complete architectural renderings, secure a restaurant tenant acceptable to the City, and take the steps necessary to make the project eligible for Historic Tax Credits; and

Whereas, LWS Development has completed environmental assessments and architectural concept drawings on the property, removed accumulated debris within the building, taken the steps necessary for 188 Lincoln Street to be found eligible for the National Register of Historic Places, is working with a contractor on a redevelopment budget and schedule, and has entered into Letter of Intent with a restaurant acceptable to the City; and

Whereas, on May 22, 2018 the City Council authorized the extension of the Purchase and Sale Agreement until August 1, 2018; and

Whereas, LWS is in final lease negotiations with a potential restaurant tenant that is requiring an opt out provision in the lease up to September 30, 2018;

Now, therefore, be it Resolved by the City Council of the City of Lewiston that

Having received a written request for an extension from LWS Development LLC and having found that the developer is making significant progress toward redevelopment of 188 Lincoln Street, an extension of the purchase and sale agreement between the City and LWS is hereby approved until October 19, 2018.

Economic and Community Development

Lincoln Jeffers

Director



2007



To: Honorable Mayor and Members of the City Council
From: Lincoln Jeffers
RE: **188 Lincoln Street**
Date: July 26, 2018

Paul Peck and Kara Wilbur, doing business as LWS Development and Wilbur & Company, have been working since last October to redevelop 188 Lincoln Street. They have invested \$20,000 removing the waterlogged building materials and collected debris from the building; completed environmental assessments; architectural, title, and survey work; and engaged a historic preservation consultant which resulted in the building being eligible for historic preservation tax credits. They engaged a broker to market the building and are now in the final stages of negotiations with a licensee who plans to open a Portland Pie in the building. As part of those negotiations the licensee has requested that they be able to opt out of the agreement until September 30th.

The City Council approved sale of the building to the developer on October 3, 2017. Since then the agreement has been twice extended and is set to expire on August 1, 2018. In recognition of the licensee's requirement to be able to opt out of the agreement up until September 30th, the developer has requested that the closing date to purchase 188 Lincoln Street be extended until October 19, 2018. This will provide time after the opt out period expires to prepare the required documents for the closing.

Staff recommends that this request for a contract extension be granted. The developer has been working diligently since reaching an agreement with the city to bring the project to fruition. They have completed their due diligence, are in final lease negotiations with the type restaurant the city wants to be in the area, and CEI has agreed to purchase the Historic Preservation Tax Credits, which will be among the primary sources of financing for the project. With two market rate apartments on the second floor and a restaurant that will bring activity and additional energy to Lincoln Street, the project is poised to deliver on the vision the developer first shared with the Council.

**THIRD AMENDMENT TO AGREEMENT FOR
THE PURCHASE AND SALE OF REAL ESTATE**

The City of Lewiston, Maine ("Seller") and LWS Development LLC and Wilbur & Company (hereinafter collectively referred to as "Buyer") are parties to an Agreement for the Purchase and Sale of Real Estate dated as of October 17, 2017 (the "Agreement"), which was amended and executed by mutual agreement on January 18, 2018, and on May 28, 2018, pursuant to which Seller agrees to sell and Buyer agrees to buy a parcel of land, with buildings thereon, located at 188 Lincoln Street, Lewiston, Maine.

Seller and Buyer, for good and valuable consideration, exchange of which is mutually acknowledged, have agreed to amend the Agreement as set forth below:

1. The closing shall take place at Buyer's discretion on or before October 19, 2018.
2. Buyer shall take title at the Closing and shall assume all of the responsibilities of owner of the Premises as of that date.
3. Notwithstanding the foregoing, Buyer shall nevertheless provide to the Seller the items set forth in Section 10(b) of the Agreement on or before October 19, 2018.
4. Upon written request, and subject to the approval of the governing legislative body of Seller, the Seller may agree at its option to extend the deadline beyond October 19, 2018.
5. Except as specifically set forth in this Amendment, all other terms of the Agreement shall remain in full force and effect. In the event of any conflict between this Amendment and the Agreement, the terms of this Amendment shall govern.

WITNESS:

SELLER
CITY OF LEWISTON

_____ Date: _____
By Edward A. Barrett
Its: City Administrator

BUYER
LWS DEVELOPMENT LLC

_____ Date: _____
By:
Its:

BUYER
WILBUR & COMPANY

_____ Date: _____
By:
Its:

LEWISTON CITY COUNCIL

MEETING OF AUGUST 14, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 19

SUBJECT:

Executive Session to discuss labor negotiations regarding the Maine Association of Police - Patrol Unit.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

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To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Negotiations regarding the Maine Association of Police - Patrol Unit.

LEWISTON CITY COUNCIL

MEETING OF AUGUST 14, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 20

SUBJECT:

Executive Session pursuant to MRSA Title 1, section 405(6)(A) to discuss a personnel matter.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

Entering into executive session is permitted and defined under Maine State Statutes.

EAB/Kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into an Executive Session pursuant to MRSA Title 1, Section 405(6)(A) to discuss a personnel matter.